

MAEGDEN1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

20 Cr. 623 (JSR)

5 WILLIE DENNIS,

6 Trial

7 Defendant.

8 -----x

9 New York, N.Y.
October 14, 2022
10 9:15 a.m.

11 Before:

12 HON. JED S. RAKOFF,

13 District Judge
14 and a Jury

15 APPEARANCES

16 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

17 SARAH KUSHNER

STEPHANIE SIMON

18 KIMBERLY RAVENER

Assistant United States Attorney

19 WILLIE DENNIS, Pro Se

20 Also Present:

21 Joseph Magliocco, Paralegal

22 Elisabeth Wheeler, FBI

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1 (In open court; jury not present)

2 THE COURT: Good morning. Please be seated. I'm
3 trying to work out the schedule so I can advise the jury at the
4 end of the day, because I think it's fair to let them know how
5 we're going to proceed next week.

6 So the government has ten more minutes, if I recall
7 correctly, for the direct of the witness. And Mr. Dennis, you
8 said would have substantial cross-examination, and that makes
9 sense. But can you give me an estimate of about how long you
10 think that will go.

11 MR. DENNIS: Your Honor, I would expect that I want to
12 be able to cross-examine Mr. Bicks on every subject within the
13 scope of his direct examination. So I would expect I would
14 need about 90 minutes.

15 THE COURT: I will give you, if necessary, a full two
16 hours, so 120 minutes, if you need it. So that will take us,
17 then, with the mid-morning break probably to about noon or so.
18 And then who is the next government witness.

19 MS. KUSHNER: Your Honor, the next government witness
20 is Calvina Bostick. She is an extremely vulnerable victim.
21 She has a personal obligation on Monday. She's been here
22 pretty much every day this week ready to testify. We would
23 really appreciate the ability to have her full testimony be
24 today and not have to hang over the weekend for her return back
25 on Monday. And we can put her out of order.

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1 THE COURT: I appreciate that, and we will do our
2 best. But Mr. Dennis' right to cross-examine is more important
3 than the issues you just raised. You could have of course
4 called her earlier in the week. But I understand, as a matter
5 of your strategy, you prefer to put her later, that's fine.
6 But balancing all of those things together, if we can get her
7 done today, great. But let's assume that there might be,
8 again, as much as two hours of cross.

9 MS. KUSHNER: Absolutely. I think the only thing the
10 government would propose is to put Ms. Bostick on the stand and
11 have Mr. Bicks return afterwards.

12 THE COURT: No. No. We're going to finish the
13 witness. I'm sorry.

14 So how long do you think you will be on her direct?

15 MS. KUSHNER: I would say, excluding sidebars, about
16 90 minutes.

17 THE COURT: Sidebars, do we have sidebars?

18 So it is conceivable we might finish with her today,
19 but certainly, there's no guarantee.

20 Is that the last government witness?

21 MS. KUSHNER: Then there's one more brief witness
22 after that, we expect his direct will be about 30 minutes.

23 THE COURT: Who is that?

24 MR. DENNIS: It's Gary Cobb. He's an FBI agent. And
25 he'll be testifying as a summary witness.

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1 THE COURT: So clearly, the government will not rest
2 until Monday, but it sounds like you'll rest Monday morning.
3 So, Mr. Dennis, at that point, you need to decide and you need
4 to decide right then whether you want to take the stand or not.
5 So you will think about that over the weekend. But when you
6 have to let me know is just when they rest; not before, but not
7 after either.

8 Now, was there any other witness, Mr. Dennis, that you
9 wanted to call? I have ruled on a number of them, as you have
10 pointed out. But I don't know if there's someone else who you
11 had in mind that you wanted to call.

12 MR. DENNIS: I reached out to Gloria Garcia and Laurie
13 Robinson.

14 THE COURT: And tell me who they are and what you
15 would expect them to say.

16 MR. DENNIS: Laurie Robinson is the founder of the
17 Corporate Counsel Women of Color.

18 THE COURT: And what do you expect her to say?

19 MR. DENNIS: She will testify as to certain incidents
20 that occurred between me and some of the witnesses that have
21 been on the stand that would contradict some of the statements
22 that they have made, among other things.

23 THE COURT: You want to give me an example.

24 MR. DENNIS: Well, just generally, the fact that they
25 had a fear of me and that they felt intimidated by me. I think

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1 there's examples of the fact that they -- that in fact they did
2 not.

3 THE COURT: Now, keep in mind that she cannot give her
4 opinion as to whether they were scared of you or not, just as I
5 cut off the government when they tried to bring that out. But
6 she can describe specific incidents, I take it, where you were
7 interacting with one or more of the victims and it appeared to
8 be totally pleasant or whatever.

9 MR. DENNIS: Yes.

10 THE COURT: Now, have you subpoenaed her or is she
11 available? What's the story?

12 MR. DENNIS: I sent a message to her finding out her
13 availability.

14 THE COURT: Well, it's going to have to be Monday.

15 MR. DENNIS: Now I can tell her. I didn't know when.

16 THE COURT: So you should have her in the witness room
17 when we convene on Monday, even though we may not reach her
18 until later in the morning.

19 MR. DENNIS: On Monday, your Honor, would you expect
20 us to do -- if there's no further witnesses, would it be
21 expected that we would do summations?

22 THE COURT: Well, you are anticipating my next thing.
23 But I just want to -- before we get to that -- the other one is
24 Gloria --

25 MR. DENNIS: Gloria Garcia.

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1 THE COURT: I'm sorry. Who is she and what is she
2 going to say?

3 MR. DENNIS: She is with the district attorney's
4 office of the City of New York. And she has information
5 regarding interactions that I have had with some of the
6 witnesses.

7 THE COURT: That she was present at?

8 MR. DENNIS: No, she was not present.

9 THE COURT: So that sounds like hearsay. If she is
10 saying, I heard or I learned that you met with so and so and
11 such and such occurred, that would be classic hearsay.

12 MR. DENNIS: Yeah, not hearsay. She also has copies
13 of complaints that were filed relating to some of the
14 individuals -- relating to some of the individuals who are
15 testifying here.

16 THE COURT: Complaints that were filed?

17 MR. DENNIS: Filed with the New York City Police
18 Department.

19 THE COURT: By who?

20 MR. DENNIS: By, presumably, Mr. Bicks, Mr. Maletta.

21 THE COURT: I'm a little more skeptical about her
22 testimony. But have you contacted her to be available?

23 MR. DENNIS: Yes, I have reached out to her, and I
24 will let her know.

25 THE COURT: Again, she needs to be here at the start

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1 of business Monday. But I will probably want to do a brief
2 voir dire of her outside the presence of the jury, because I'm
3 a little skeptical that she has anything that's not hearsay.
4 The fact that she has complaints, it depends who they are from
5 and what they say, but they're still a form of hearsay.
6 They're a form of hearsay as an out-of-court statement that is
7 being offered for its truth. But we'll -- I'm not precluding
8 it yet. I just want to put you on notice that that one sounds
9 a little more dicey than the first one you mentioned.

10 MS. KUSHNER: Your Honor, can we briefly address the
11 first witness, Laurie Robinson.

12 THE COURT: Yes.

13 MS. KUSHNER: Early on, we acquired search warrants
14 for the defendant's emails. Because he is a lawyer, we
15 conducted a privilege team review of those returns. We
16 requested from the defendant's counsel for a list of any
17 individuals the defendant would assert his communications with
18 would be potentially privileged. Laurie was one of the names
19 on that list.

20 For that reason, we have never reviewed any
21 communications between the defendant and Laurie Robinson. We
22 believe that she has been involved in providing him with
23 advice, including in connection with this trial. We are
24 unaware of any direct knowledge that she would have regarding
25 the matters --

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1 THE COURT: I think here is a sensible way to proceed
2 with both those witnesses. The government sounds like you will
3 rest sometime mid-morning on Monday. I will then excuse the
4 jury for a half hour and separately question and allow counsel
5 for both sides to question the proposed witnesses to see if
6 what they have to say is admissible. And then I'll make a
7 determination. And then they will either testify or not or
8 they will testify in part and maybe not in other parts. We'll
9 just have to see.

10 So the answer to your question, Mr. Dennis, about
11 summation is it turns in part on whether you are planning to
12 take the stand or not. If you are not planning to take the
13 stand, then we could have summations on Monday afternoon. If
14 you didn't take the stand, summations would clearly be on
15 Tuesday. So it's really in your hands in that regard.

16 How long does the government want for its combined two
17 summations?

18 MS. KUSHNER: Your Honor, 90 minutes.

19 MR. DENNIS: When you say "combined" --

20 THE COURT: Yes, so the way it works is they get an
21 opening summation and then they get a rebuttal. Whatever
22 amount of time they get combined, I'm going to give you the
23 same amount for yours, but you only get to speak once.

24 Now, you may say, how come they get to speak twice and
25 I only get to speak once. Well, that didn't used to be the

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1 case. When I was a young criminal defense lawyer, it was one
2 speech for both sides. But then they changed the law and the
3 law is the law. So the law of the United States is that -- and
4 the theory is because the government has the burden of proof.
5 So they go. If they're asking for 90 minutes, typically, that
6 would be about 60 minutes on their opening summation, you would
7 then go for up to 90 minutes, if you want that much time, and
8 then they would get 30 minutes of rebuttal. I don't control
9 that. It's totally the law.

10 MR. DENNIS: Your Honor, one process question. In
11 terms of preparing for my summation over the weekend, I want to
12 take my binders with me. I was trying to find out what time
13 the courtroom closes because I have a cane and I have to figure
14 out how to get them in a box and get them out of here.

15 THE COURT: I think that makes a lot of sense. I
16 think the person to work that out with is Ms. Kotowski.

17 THE DEPUTY CLERK: I can tell him right away that I
18 don't control that. I am very happy to leave the courtroom
19 open. But security comes by at an unpredictable time, sometime
20 around 6:00, I think, to lock up the courtroom.

21 And if it's locked when you get here, may I suggest
22 that you just go down to the CSO office, and I'll send them an
23 email and say you were supposed to be able to get in before
24 6:00.

25 THE COURT: I will be through in the courtroom today

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1 by 5:00. So you can come in any time between 5:00 and 6:00.

2 MR. DENNIS: I won't leave. I'll just stay here.

3 THE COURT: That's perfect.

4 So let's get the witness on the stand.

5 THE DEPUTY CLERK: And the jury is here.

6 MR. DENNIS: Mr. Kern, can you call my parents.

7 LAW CLERK: Yes, I can.

8 MR. DENNIS: Your Honor, before the jurors come in.

9 THE COURT: Go ahead.

10 MR. DENNIS: I would like to have a comment. I have
11 been having consistent issues with communicating with my family
12 throughout this whole case and my -- anyone providing me with
13 legal advice. And this is a number that we have been dialing,
14 I have been dialing for years now. This morning, I have dialed
15 that number three times and every time I dialed it, I was sent
16 to some sort of answering call service.

17 THE COURT: You're talking something completely
18 outside my control. I hear what you're saying, but I don't
19 know whether it has to do with problems that they're having in
20 Florida or whatever. But anyway, I can't control it. We have
21 done everything we can at our end to accommodate your request
22 to have your parents listen in.

23 Let's try one more time.

24 We will have to start without that. But at the next
25 break, we'll try again.

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Let's bring in the jury.

(Continued on next page)

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Bicks - Direct

1 (Jury present)

2 THE COURT: Good morning, ladies and gentlemen, thank
3 you once again for your promptness. I was really worried, I
4 figured you would stay home and go to the Yankees game this
5 afternoon, but thank god you are here so we can continue.

6 JOHN BICKS, resumed.

7 THE COURT: Counsel, go ahead.

8 DIRECT EXAMINATION CONTINUED

9 BY MS. KUSHNER:

10 Q. Good morning, Mr. Bicks.

11 A. Good morning.

12 Q. Just briefly, do you recall the emails we discussed
13 yesterday from 2019, Government Exhibits 523 through 526, which
14 were all sent in approximately August of 2019.

15 Do you recall those emails?

16 A. I recall discussing those emails, yes. And I recall those
17 emails.

18 MS. KUSHNER: Mr. Magliocco, can you please pull up
19 Government Exhibit 523.

20 Q. Mr. Bicks, the email at the bottom of the chain,
21 approximately what time was this email sent to you?

22 A. A few minutes after 6:00, at 6:05 a.m.

23 Q. And this is in UTC time?

24 A. I'm sorry, I was looking at the timestamp below. 11:25.

25 Q. You can see the email; right?

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Bicks - Direct

1 A. I can.

2 Q. What time was the first email in this chain sent in Eastern
3 Standard Time?

4 A. It would have been about 7:25 in the morning, Eastern time.

5 Q. And the email right below that on August 4th.

6 A. 6:05 a.m. Eastern time.

7 Q. That's in UTC time, so what time would you have received it
8 or what time would it have been sent to you?

9 A. It would have been about 2:00 o'clock in the morning.

10 Q. So these aren't the only two emails you received around
11 this time in August that were sent in the early morning hours;
12 right?

13 A. Correct.

14 Q. And when you received these emails about mass shootings,
15 how did they make you feel?

16 A. Distressed, but as much confused, because this was early on
17 in the development of the circumstance, and I just didn't
18 understand why he would be sending them to me. But the fact
19 that he was choosing to send emails about mass shoots was at
20 least disconcerting, I would say.

21 Q. Did you see other similar emails around this time frame
22 that were addressed to you from defendant?

23 A. I did.

24 Q. And did the emails in Government Exhibits 523 through 526
25 and the other similar emails you received, were some of those

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Bicks - Direct

1 shown to you while you were in the New York office?

2 A. Yes.

3 Q. Thank you.

4 Now, turning to what's in evidence as Government Exhibit
5 107-5 107-51.

6 MS. KUSHNER: And I want to make sure the jury can see
7 these.

8 Q. Mr. Bicks, just generally, do you recognize what are those
9 two messages?

10 A. I'm going to have to ask you to zoom in on them a little.

11 MS. KUSHNER: You can zoom in on the top one.

12 A. I recognize this message.

13 Q. What is it?

14 A. It's a text message that was sent by Willie to me and a
15 fair number of my other partners.

16 Q. And what is the date of this message?

17 A. December 20th of 2020.

18 Q. And approximately what time of day would you have received
19 this message?

20 A. Around 11:30 at night.

21 Q. Can you please read it.

22 A. We are at the end. So no need to lie any longer. God is
23 truly reading all our minds during this biblical moment?

24 Q. And the text message immediately after that, can you please
25 look at that?

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Bicks - Direct

1 MS. KUSHNER: Mr. Magliocco.

2 Q. What is this message?

3 A. Another email from Willie to a number of my partners sent
4 shortly before midnight on September 19th of 2020.

5 Q. Are you one of the recipients of this text message?

6 A. I am.

7 Q. Can you please read it?

8 A. Jim Segerdahl, I have been laying off of you. Everything
9 is intentional. Go ahead and make a comment and join Mike in
10 the boat.

11 Q. Do you recall receiving that text message?

12 A. I do.

13 Q. Who is Jim Segerdahl?

14 A. Jim Segerdahl is the general managing partner of K&L Gates.

15 Q. Are these two text messages the only text messages you
16 received from the defendant in December of 2020?

17 A. No.

18 Q. Are you aware whether the defendant was engaged in similar
19 conduct against other people around the same time as you?

20 THE COURT: Sustained.

21 Q. Mr. Bicks, did you receive text messages from the defendant
22 that were also addressed to other people?

23 A. Frequently.

24 Q. Turning your attention to Government Exhibit 105-35.

25 What is this?

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Bicks - Direct

1 A. A message from Willie to myself and three of my partners;
2 Cally Bostick, Rob Matlin and Whitney Smith.

3 Q. What's the date of this message?

4 A. September 1st of 2020.

5 Q. I'm going to read it aloud.

6 Sat next to many meatheads like David at Columbia Law
7 School. I always knew he just got lucky and got the Wuhan
8 bounce. It went to his small little head.

9 What is your understanding of who David is?

10 A. From the context of this messages and the context of other
11 messages that I received beforehand and afterwards, I
12 understood this to be a reference to David Tang, who is also
13 one of my partners. David is the regional manager of the
14 firm's Asia offices. David Tang went to Columbia Law School as
15 well.

16 Q. What ethnicity is David Tang?

17 A. David is -- I would say David is Chinese-American.

18 Q. And what did you understand the reference to Wuhan bounce
19 here to mean?

20 MR. DENNIS: Objection.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: Thank you.

24 As we talked about yesterday, Willie was fond in these
25 text messages of giving everybody a nickname. And he would

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Bicks - Direct

1 regularly refer to David as Wuhan -- with this, I would call it
2 a slur of, you know, Wuhan, which I took as a reference to --
3 it was widely believed to be the source of the COVID-19 virus.
4 He would refer to David as David Wuhan Tang.

5 Q. Are you referring to names like Wuhan and bigot as
6 nicknames?

7 A. He would call me John big head Bicks. He had some colorful
8 nicknames for Cally Bostick, for Mike Caccese, perhaps for Rob
9 Matlin. I can't recall certainly for others in many thousands
10 of messages.

11 Q. Did there come a time, Mr. Bicks, when you took any actions
12 as a result of the messages you were receiving from the
13 defendant?

14 A. Yes.

15 Q. What did you do?

16 A. At some point, I sat with my children and I showed them
17 pictures of Willie so that they understood that if they ever
18 saw him around our home that they should call the police. I
19 had a conversation with my parents, 89 and 88 years old,
20 principally because of my mother's involvement with Allen
21 Stevenson and knowing it was apparent that Willie was going to
22 be talking to the folks at Allen Stevenson spreading these
23 tales about me. I didn't want that to come as a surprise to
24 her, so I had to talk to them about that. I relocated my -- I
25 drive to work, and I moved my parking garage that I use to a

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Bicks - Direct

1 garage immediately across the street from the office, just to
2 minimize the amount of time that I had to spend walking out on
3 the sidewalk, because I'm often coming into the office when
4 it's dark and leaving when it's dark and I had no interest in
5 running into Willie on the street.

6 We lived in our house in Ridgewood for 17 years, never
7 turned on the alarm, and I started putting the alarm on every
8 night. We had to upgrade the security system. I had to -- I
9 made the decision to upgrade the security system to add cameras
10 so we would be aware of what was going on when I was not there.
11 I am not necessarily proud of saying it, but it's true, there
12 were nights when Willie was being particularly active and after
13 days when I would receive 10, 20, 30 text messages in a day,
14 when I would sleep with a loaded gun next to my bed, not
15 something I've ever done before. Those are certainly the
16 things that I recall.

17 Q. And just briefly, you said you often came into the office
18 when it was dark. Why was that?

19 A. I'm an early bird. I get up early. It's easier to get in
20 early in the morning. So for probably fully half of the year,
21 I'm arriving at the office before it's light out.

22 Q. Was it common for other attorneys at your law firm to get
23 to the office around the time that you did?

24 A. It's certainly not common in the New York office.

25 Q. Was it your understanding that the defendant would have

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Bicks - Direct

1 known the time of your morning commute?

2 THE COURT: Sustained.

3 Q. Were you ever with the defendant in the office in the early
4 morning at the time of your commute?

5 A. I was often with Mr. Dennis early in the morning at the
6 office, he would sometimes get in early as well.

7 MS. KUSHNER: May I have a brief sidebar.

8 THE COURT: All right, if you must.

9 (Continued on next page)

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Bicks - Direct

(At sidebar)

MS. KUSHNER: I just want to make sure I'm abiding by the Court's ruling. I was going to ask the witness about when he saw the defendant, long after the defendant had been fired, outside the office around 6:30 in the morning.

THE COURT: I think that, at this point, that would be more prejudicial than probative, so I think that I will exclude it.

(Continued on next page)

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Bicks - Direct

1 (Jury present)

2 BY MS. KUSHNER:

3 Q. Mr. Bicks, you said one of the steps you took to respond to
4 the defendant's messages was to sometimes sleep with a loaded
5 gun next to your bed. Why did you do that?

6 A. He had sent messages indicating that he was thinking about
7 coming to visit me at my home. I live on a quiet and dark
8 street in a very quiet town, and I was concerned that he might
9 do just that.

10 MS. KUSHNER: One moment, your Honor.

11 THE COURT: Yes.

12 (Conferring)

13 BY MS. KUSHNER:

14 Q. Mr. Bicks, sitting here today, what, if any, impact do you
15 continue to feel as a result of the defendant's conduct?

16 A. I'm scared.

17 Q. Why?

18 A. I'm not scared that he's going to jump me in the courtroom
19 today. I'm scared that after we're -- after I leave here today
20 and after he leaves here today that he's going to continue
21 doing what he's been doing for the last couple of years, which
22 is going out, spreading vile, awful lies that are designed to
23 impact my integrity, my reputation, potentially endanger my
24 family, my kids. I'm concerned that he's going to continue to
25 do that. I'm scared about that.

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Bicks - Direct

1 Q. Mr. Bicks, you testified earlier one of the themes of the
2 defendant's messages was accusing you of having sexual affairs
3 with some of your partners. Did you in fact have any --

4 MR. DENNIS: Objection.

5 Sidebar, please.

6 (Continued on next page)

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Bicks - Direct

1 (At sidebar)

2 MR. DENNIS: I don't remember ever seeing any evidence
3 that --

4 THE COURT: I'm sorry, you have to talk to me. I
5 can't hear you.

6 MR. DENNIS: I don't remember ever seeing any evidence
7 admitted --

8 THE COURT: It came in yesterday that he --

9 MR. DENNIS: It was an interpret- --

10 THE COURT: He said that you had accused him of having
11 one or more affairs with another --

12 MR. DENNIS: Okay, all right.

13 (Continued on next page)

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Bicks - Cross

1 (Jury present)

2 BY MS. KUSHNER:

3 Q. Mr. Bicks, did you have any affairs with any of your
4 partners at work?

5 A. No, nor with any of my colleagues at work or with anybody
6 else.

7 Q. Did you have to have discussions with your wife as a result
8 of the accusations made against you?

9 A. I shared with my wife the text messages that Willie sent
10 around things like that. I shared them with my children as
11 well. I wanted them to understand what he was saying.

12 MS. KUSHNER: No further questions.

13 THE COURT: Cross-examination.

14 CROSS-EXAMINATION

15 BY MR. DENNIS:

16 Q. Good morning, ladies and gentlemen of the jury. Good
17 morning, John.

18 A. Good morning, Willie.

19 Q. John, what year did you join K&L Gates?

20 A. 2011.

21 Q. And I left in 2019, so we worked approximately together for
22 how many years?

23 A. About eight years.

24 Q. About eight years we worked together, okay.

25 Yesterday, I guess during your testimony, despite my

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Bicks - Cross

1 belief, fear, love and fear of god, you stated that we had
2 never had religious conversations and, as a result, my texts
3 from the Bible caused great fear and anxiety; is that correct?
4 Yes or no?

5 A. I generally recall testifying to that, yes.

6 Q. Later in your testimony yesterday, you testified that you
7 had shared with me that your mother is Jewish?

8 A. That misstates my testimony. I did not say that.

9 Q. Can you please state what your testimony was then.

10 A. Yes. My father is Jewish. My mother is Protestant.

11 Q. You stated that you had shared with me that your father was
12 Jewish?

13 A. No, I did not say that I shared with you that my father was
14 Jewish. I believe my testimony was that I was not even sure
15 that you knew that my father was Jewish.

16 Q. John, you knew and you know that I visited the Dominican
17 Republic frequently with my family during spring breaks and
18 summer vacations; is that correct?

19 A. That's not correct. I didn't know that.

20 Q. No? Okay. The answer is no.

21 John, do you recall me sharing with you that I travel to a
22 town called Sosua?

23 A. I do not recall ever talking about that.

24 Q. John, do you recall me sharing with you that Sosua was a
25 town where roughly 800 German Jews fled to in 1940 to avoid

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Bicks - Cross

1 persecution by the Nazis?

2 A. As I told you, I don't recall ever discussing the town of
3 Sosua or anything.

4 Q. John, just to finish, you do not recall me sharing with you
5 that I'm friends with some of the children of some of the
6 original settlers who went to Sosua; you do not recall that?

7 A. That is correct, I do not recall that.

8 Q. John, do you recall me sending you, Michael Caccese,
9 Rosemary Alito and others a text message on December 28th of
10 2019 expressing my horror and anger --

11 MS. KUSHNER: Objection, your Honor.

12 Q. -- expressing my horror and anger at a random stranger who
13 barged into a Rabbi's home and started attacking people with a
14 machete for no apparent reason?

15 THE COURT: Sustained.

16 Q. John, do you recall on December 24th, 2019 me sending you,
17 Rosemary Alito, Michael Caccese a text message stating that
18 Rudy Giuliani's statement that he was more Jewish than George
19 Soros would only enflame anger and violence in people of Jewish
20 decent?

21 THE COURT: Sustained.

22 Ladies and gentlemen, I want to remind you that
23 nothing that counsel says is evidence. And there may be such
24 emails, there may not be such emails, but they're not part of
25 the evidence in this case, so they're not part of your concern.

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Bicks - Cross

1 BY MR. DENNIS:

2 Q. John, do you recall upon your arrival at the firm learning
3 that Andy Gespass and I had created on behalf of the firm a pro
4 bono project with MetLife referred to as "Wills?"

5 A. I certainly recall knowing about that program. I do not
6 recall that I knew who had created it.

7 Q. John, can you please describe to the jury what the Wills
8 pro bono project was?

9 A. The project that I'm --

10 THE COURT: I'm sorry, this would seem to be precluded
11 by my order of October 10th, item 9.

12 MR. DENNIS: I'm just sort of -- John, yesterday was
13 ruminating at length about my thoughts, my beliefs, far
14 ranging. I'm trying to now give the jury a context in terms of
15 what was our professional relationship.

16 THE COURT: I don't --

17 MR. DENNIS: Things that he has absolute factual
18 knowledge about.

19 THE COURT: Why don't you come to the sidebar.

20 (Continued on next page)

MAEGden1

Bicks - Cross

1 (At sidebar)

2 THE COURT: So after the hearing we held on
3 October 7th, the pretrial hearing where I made a number of
4 rulings, I embodied those rulings in a written order so that
5 everyone would know exactly what those rulings were. And the
6 ninth item on page 2 of that order, the written order, which
7 was issued on October 10th reads, quote, ninth, the
8 government's motion *in limine* to preclude evidence and argument
9 at trial concerning Mr. Dennis' prior commission of good acts
10 and failure to commit other bad acts is hereby granted except
11 insofar as the government opens the door to the introduction of
12 such evidence at trial.

13 Now, I didn't hear anything yesterday, Mr. Dennis,
14 along the lines that you just stated, that the defendant had
15 ruminated, generally, I think was your words, about your
16 character or other things. He answered questions about
17 specific emails that were sent to him and how it impacted him.

18 What is your basis for saying that the door is open?

19 MR. DENNIS: Well, my basis is, I mean, he's made --
20 he's made statements without any proof saying that I accused
21 him of having an affair, which there's no proof behind that.

22 THE COURT: You are questioning about that, but that
23 has nothing to do with some good acts that you took.

24 MR. DENNIS: Not good acts. Our working relationship,
25 which goes to the basis of whether or not he should have --

MAEGden1

Bicks - Cross

1 THE COURT: Was he involved --

2 MR. DENNIS: Yes, he was, he was the managing partner.

3 THE COURT: I know that. Was he involved.

4 MR. DENNIS: Yes.

5 THE COURT: He was responsible for this specific
6 project, he worked with you on the specific project?

7 MR. DENNIS: Yes, he did. He had to approve it.

8 THE COURT: On that representation --

9 MR. DENNIS: Yes.

10 THE COURT: -- I will allow that question.

11 BY MR. DENNIS:

12 Q. Can you provide the jury with a brief description of what
13 the wills program is?

14 A. The program, as I recall it, was called wills for heros.
15 And my recollection is we would send lawyers from the firm as a
16 public service, pro bono project out to firehouses, I think, to
17 meet with the first responders, firefighters, their families,
18 who needed help preparing wills and things of that nature.

19 Q. And John, does the firm still participate in that project?

20 A. We do not.

21 Q. What year did the firm discontinue its relationship with
22 that project?

23 A. I think it was only formally discontinued last year.

24 Although I don't believe that it happened either the two years
25 before that as a result of COVID.

MAEGden1

Bicks - Cross

1 Q. John on your arrival at the firm and us working together,
2 you obviously provided funding for, in part, an organization
3 called the Corporate Counsel Women of Color, yes or no? Yes,
4 you recall that, do you not?

5 A. There are four questions there.

6 Q. I'm going to go back to one. You're a great lawyer.

7 Do you recall us working together with issues related to
8 the Corporate Counsel Women of Color?

9 A. You and I were partners at the same law firm. We never
10 worked together on a matter, number one.

11 Q. John, please stop. That was a yes or no. So you do not.

12 Do you recall ever approving any budget money for
13 activities related to the Corporate Counsel Women of Color?

14 A. Wouldn't have been for me to approve, so the answer is no.

15 Q. Thank you, John.

16 Are you familiar with the organization, John?

17 A. With the organization Corporate Counsel Women of Color?

18 Q. Yes, the firm's relationship with the Corporate Counsel
19 Women of Color.

20 A. I am. And willie, if you will let me finish my answer --

21 Q. John --

22 THE COURT: Excuse me, counsel. The determination of
23 whether the witness can or cannot finish his answer is for the
24 Court to make, not for you to make.

25 You may finish your answer.

MAEGden1

Bicks - Cross

1 THE WITNESS: Thank you, your Honor.

2 I do recall the organization Corporate Counsel Women
3 of Color, Willie. You asked me if I approved the funding. It
4 wouldn't have been to me to approve the funding because the
5 funding for that organization that the firm provided was
6 substantially above my approval level, so it didn't run through
7 me.

8 BY MR. DENNIS:

9 Q. John, you never approved any travel expenses related to the
10 Corporate Counsel Women of Color?

11 A. I'm sure that I would have approved your travel expenses
12 because those --

13 Q. Thank you, John.

14 A. -- were within --

15 MR. DENNIS: Your Honor, can we have a sidebar,
16 please.

17 THE COURT: Yes. I think we need a sidebar, counsel.

18 (Continued on next page)

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MAEGden1

Bicks - Cross

1 (At sidebar)

2 MR. DENNIS: I am trying to get through my questions
3 and answering, and I'm trying to limit my questions to yes or
4 no. I don't need him to elaborate and try to change the --

5 THE COURT: So here is the law, since you are
6 apparently unaware of it. If a question can be answered fairly
7 yes or no, then you can require him to answer it yes or no.

8 If it can't be fairly answered yes or no, then he's
9 allowed to elaborate. If he starts to elaborate and you think
10 that it's a question that could be answered yes or no, then
11 your sole remedy is not to start making statements, but just
12 simply say, your Honor, I think that question could be answered
13 yes or no.

14 MR. DENNIS: Okay.

15 THE COURT: And if I think it can be, I will direct
16 him to answer it yes or no. So those are the rules.

17 MR. DENNIS: Okay. One thing I would like to go on
18 the record right now is that, as part of his testimony, he just
19 stated he knew nothing about the organization. But later, he
20 says, yes, I approve funding. From a factual reality basis,
21 there's no way that a managing partner is going to approve
22 funding without knowing what an organization is. That just
23 doesn't happen.

24 THE COURT: That's an argument you can make during
25 summation. That's neither here nor there for the purposes of

MAEGden1

Bicks - Cross

1 this.

2 MR. DENNIS: Okay.

3 (Continued on next page)

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MAEGden1

Bicks - Cross

1 (Jury present)

2 THE COURT: Ladies and gentlemen, just so you know the
3 rules of cross-examination, if a question can fairly be
4 answered yes or no and the questioner says, please answer yes
5 or no, then the witness can give a yes-or-no answer. However,
6 many questions can't be answered yes or no because the answer
7 is somewhere in between. So in that case, the witness can give
8 a more full answer pointing out which is the yes part and which
9 is the no part. But I will, just to move things along,
10 instruct the witness that, to the extent Mr. Dennis' questions
11 can be answered yes or no, please just answer yes or no.

12 THE WITNESS: I will.

13 THE COURT: Very good.

14 MR. DENNIS: Thank you, your Honor.

15 BY MR. DENNIS:

16 Q. John, as the managing partner of the New York office, would
17 you ever approve a budget request, even for travel, without
18 understanding the background or what the -- what the event was
19 that someone was participating in?

20 A. No.

21 Q. So once again, what was the Corporate Counsel Women of
22 Color? What is the Corporate Counsel Women of Color?

23 A. The corporate -- to my understanding, never having
24 participated in any of the events or having been invited to
25 them, my understanding is that the Corporate Counsel Women of

MAEGden1

Bicks - Cross

1 Color is a support and development organization geared
2 particularly towards in-house African-American women attorneys.
3 That's really all I can tell you about it.

4 Q. John, from a marketing standpoint, how significant was the
5 money the firm spent with respect to that sponsorship?

6 A. I don't know how to answer that question, how significant.

7 Q. Was it one of the firm's largest sponsorships that the firm
8 had?

9 A. I don't know the answer to that question. I'm sorry.

10 Q. You sit on the -- do you sit on the management committee of
11 the firm?

12 A. At this time, I do. Yes.

13 Q. Do you see budget items and allocations and financial
14 information about revenues and expenses of the firm?

15 A. I do. I don't see them down to a granular level that would
16 show me where every single dollar is going for every conference
17 or every organization that the firm supports. I assume it
18 would be available to me, but I don't typically see it.

19 Q. If it were a sponsorship that was over -- that cost the
20 firm over \$500,000 a year annually, would you see that?

21 A. I don't know that I would.

22 Q. Thank you, John.

23 So did you know, John, that one of the missions of the
24 Corporate Counsel Women of Color was to provide women of
25 African-American, Asian-American and Latino decent with the

MAEGden1

Bicks - Cross

1 ability to network with senior corporate executives and legal
2 officials like yourself that they would not normally get access
3 to in order to build their careers?

4 A. I don't know that. And I have no reason to disbelieve it.

5 Q. John, is the firm still a big sponsor of the Corporate
6 Counsel Women of Color?

7 A. Not to my knowledge.

8 Q. What year did the firm and Corporate Counsel Women of Color
9 end their relationship?

10 THE COURT: Counsel, this is not the representation
11 you made at the sidebar about this area of inquiry. You said
12 that you were going to inquire about the witness' involvement
13 with you in this particular activity, but your questions have
14 been far removed from that.

15 Sustained.

16 MR. DENNIS: Your Honor, just to -- and that was my
17 intention.

18 THE COURT: Well, then do that.

19 MR. DENNIS: The witness obviously -- the witness is
20 saying --

21 THE COURT: Limit it to your interaction with this
22 witness and that organization or activities related to that
23 organization.

24 MR. DENNIS: Okay.

25 BY MR. DENNIS:

MAEGden1

Bicks - Cross

1 Q. John, do you recall the conversation we had where I
2 expressed the idea that to be the most profitable at the law
3 firm we needed to incorporate the biblical principle of do unto
4 others as you would have them do unto you?

5 A. I do not ever recall having a conversation like that with
6 you.

7 Q. John, do you recall when I joined the firm, I came to you
8 and I shared with you that both you and my son Grant were both
9 alumni of the Allen Stevenson school?

10 A. So you joined the firm six years before --

11 Q. When I joined the firm -- John, I'll repeat the question.

12 Do you recall, when I joined the firm, I came to you and
13 shared with you that both you and my son were both alumni of
14 the Allen Stevenson school? Do you recall that conversation?

15 A. The problem, Willie, is you joined the firm six years
16 before I did. So we didn't have a discussion when you arrived
17 at the firm.

18 Q. Do you recall when you joined the firm, I came to you --
19 John, how did you find out that my son and you were both alumni
20 of the Allen Stevenson school?

21 A. I am sure at some point after I arrived at the firm you
22 must have shared that with me.

23 Q. Thank you, John.

24 And John, how did that make you feel?

25 A. I had no feeling as a result of that, either positive or

MAEGden1

Bicks - Cross

1 negative.

2 Q. You had no -- both alumni and same -- no feeling
3 whatsoever?

4 A. We were not there at the same time. We did not interact.
5 And I have never met your boys.

6 Q. That's fine.

7 MR. DENNIS: Will you please call up Government
8 Exhibit 502, please.

9 Q. John, on January 30th at 1:44 a.m., when you, along with
10 two members of K&L Gates' executive committee decided that I
11 had been suspended, you knew that action was contrary to the
12 firm's partnership agreement, did you not?

13 A. I can't answer that question yes or no. Would you like me
14 to answer it?

15 Q. Mr. Maletta testified yesterday --

16 THE COURT: No, no, no. You can't refer to any other
17 witness' testimony.

18 Q. John, were you part of the team that made the decision to
19 suspend me from the firm?

20 A. Again, I can't answer yes or no, unless I understand
21 whether you are talking about the decision to expel you from
22 the partnership.

23 THE COURT: No, no, no. Let me just move this along.

24 The exhibit we're looking at refers to a suspension,
25 and I think the evidence was the termination occurred some

MAEGden1

Bicks - Cross

1 months later.

2 So the question that Mr. Dennis is putting to you is:
3 Were you part of the decision to suspend him?

4 THE WITNESS: To suspend his access at the end of
5 January 2019?

6 THE COURT: To do what led to this letter.

7 THE WITNESS: I was not part of that decision, no.

8 MR. DENNIS: Your Honor, may we have a sidebar?

9 THE COURT: Sure.

10 MR. DENNIS: Because there's obviously a discrepancy
11 between his testimony and Mr. Maletta's testimony.

12 THE COURT: So what? That's for your summation
13 argument.

14 MR. DENNIS: Okay.

15 THE COURT: Ladies and gentlemen, you will receive an
16 instruction from me as part of the final instructions that, of
17 course, you have to determine whether any given witness is
18 accurate or inaccurate in their testimony. And one of the
19 things you'll look at is whether the testimony of one witness
20 is consistent with the testimony of another witness or
21 inconsistent. And counsel for both sides will give you
22 arguments in their final summations to the jury about what they
23 think is consistent or inconsistent.

24 So it's not a need for a sidebar. It's for summation.

25 MR. DENNIS: Thank you, your Honor, for making that

MAEGden1

Bicks - Cross

1 clear to the jury, that inconsistency.

2 BY MR. DENNIS:

3 Q. John, when did you learn that I had been suspended from the
4 firm and lost all my resources?

5 A. I was aware that this decision was in the works. I was --

6 MR. DENNIS: Your Honor, may we have a side --

7 Q. I asked when, a date. When did you learn?

8 THE COURT: Now, counsel, that is the --

9 MR. DENNIS: Your Honor, may I -- I was suspended at
10 1:44 a.m. I'm just asking the managing partner, when did he
11 learn. I was suspended at 1:44 a.m. in the morning. Did they
12 inform him beforehand, did they inform him afterwards, that's
13 all. I'm just trying to get a timeline of when did he actually
14 learn.

15 (Continued on next page)

MaeWden2

Bicks - Cross

1 THE COURT: The question you asked was: "John, when
2 did you learn that I had been suspended from the firm and had
3 lost all my resources?"

4 That was your question. It was a compound question,
5 but there was no objection, so I did not intervene. But it's
6 really two different questions. That's the problem you had.

7 Now, do you want to put a new question?

8 BY MR. DENNIS:

9 Q. John, when did you learn of my suspension?

10 A. Within a day or two before this email went out to you, I
11 was aware that this action was going to be taken.

12 Q. Within a day or two before the email went out?

13 A. Yes.

14 Q. OK. And what actions did you take upon learning -- oh, who
15 informed you that I was going to be suspended?

16 A. I believe it was Mr. Maletta.

17 Q. Was there -- did you talk to anyone else prior to that?

18 A. Not regarding this.

19 Q. OK. And what were the reasons Mr. Maletta -- that Jeff
20 gave you?

21 A. That despite having been warned numerous times in writing
22 by the firm's inside and outside counsel, you had continued to
23 relentlessly harass numerous partners of the firm by email, by
24 voice mail, perhaps by text message, and you had refused to
25 stop despite numerous warnings.

MaeWden2

Bicks - Cross

1 Q. And in the days prior to or in the days after this email
2 was sent, who did you discuss this issue with; which partners
3 within the firm?

4 A. Are you asking in the days before?

5 Q. In the days after, the days after.

6 A. In the days after I had several discussions about this. I
7 had a discussion with -- a brief discussion with all of the
8 partners in the New York office, so they were aware of the
9 action that had been taken so that they would be aware. I
10 spoke with others. I also had to speak with a small number of
11 others outside of the firm. I don't know if that was your
12 question.

13 Q. John, when Mr. Maletta told you that this was going to --
14 that this suspension was coming a day or two beforehand, did
15 you ask him what the -- who was authorizing it?

16 A. I don't believe I asked him that.

17 Q. John, as a general counsel of K&L Gates, Mr. Maletta does
18 not have the authority to do this unilaterally, is that
19 correct?

20 A. I don't know that that is correct or not correct. And I
21 don't know that he decided it unilaterally, so I can't really
22 answer your question.

23 Q. I didn't ask you -- I said does he have the authority of
24 his own -- so your response is that under the partnership
25 agreement, Mr. Maletta may have had the authority to

MaeWden2

Bicks - Cross

1 unilaterally suspend another partner in the firm?

2 A. I don't know that this is a matter that is governed, that
3 the partnership agreement even speaks to or whether this was a
4 decision made by the management committee or endorsed by the
5 management committee.

6 Q. OK. All right. That's fine.

7 John, were you aware or did you know that no partner had
8 ever been suspended in the way that I was suspended? Did you
9 know that?

10 A. I did not. I did not and I do not as I sit here know
11 whether that has ever happened before.

12 Q. OK.

13 A. Actually, I'm sorry. Can I correct my answer?

14 THE COURT: Go ahead.

15 THE WITNESS: I am aware in the 11 years I've been at
16 the firm of possibly one other partner in another office, not
17 New York, who was -- whose access was restricted and shortly
18 thereafter that partner left the firm. So I'm aware of one
19 other instance.

20 Q. Did you ever have a conversation with Jeff Maletta
21 regarding whether any other partner had been suspended in this
22 way?

23 A. I don't recall having that discussion with Mr. Maletta, no.

24 Q. John, you knew that by suspending me and cutting me off
25 from the firm's email and locking me out of my computer files,

MaeWden2

Bicks - Cross

1 that you were making it impossible for me to service my
2 clients, didn't you?

3 A. You weren't servicing any clients, Willie, so I can't
4 really answer that question.

5 MR. DENNIS: Sidebar for a second, your Honor?

6 THE COURT: Yes.

7 (Continued on next page)

MaeWden2

Bicks - Cross

1 (At sidebar)

2 THE COURT: Go ahead.

3 MR. DENNIS: That's just a flat-out lie. He can't say
4 I wasn't servicing a single client.

5 THE COURT: Then how do you deal with this one?

6 MR. DENNIS: He's a liar.

7 THE COURT: No. Here are the rules. On
8 cross-examination you can put the question, "Are you saying
9 that I wasn't in any way servicing any client at this time?"
10 Let's say he says yes. Then your follow-up question would be,
11 "Well, what's your basis for saying that?" He'll say whatever
12 it was. Then you'll say, "Didn't I submit time sheets for
13 clients during this period?

14 I assume you did.

15 MR. DENNIS: Yeah.

16 THE COURT: That's the way you handle it, through
17 questions, not just by saying at the sidebar that you think
18 he's lying.

19 MR. DENNIS: No, I didn't --

20 THE COURT: I've given you now some help.

21 MR. DENNIS: Yes. Thank you.

22 THE COURT: So we'll see what we can do.

23 (Continued on next page)
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MaeWden2

Bicks - Cross

1 (In open court)

2 MR. DENNIS: I'm going to ask the court reporter, can
3 you read back the last statement that John just made?

4 THE COURT: Go ahead.

5 (Record read)

6 BY MR. DENNIS:

7 Q. John, had I been submitting time sheets relating to clients
8 that I was servicing prior to the receipt of this?

9 A. What period of time are we talking about, Willie?

10 THE COURT: Well, just a minute. In, let's say, the
11 three months prior, do you know whether or not Mr. Dennis was
12 submitting time sheets for work for any client in the firm.

13 THE WITNESS: I can't recall whether you were or
14 weren't. Certainly nothing stands out to me as I sit here now.

15 BY MR. DENNIS:

16 Q. So you cannot --

17 THE COURT: Excuse me.

18 If he was submitting time sheets, then he was at least
19 to some extent servicing clients; yes?

20 THE WITNESS: Theoretically.

21 THE COURT: OK.

22 Go ahead, counsel.

23 BY MR. DENNIS:

24 Q. John, can we go to the second paragraph of the letter from
25 1/30/20 that's on the screen, and can you read the second

MaeWden2

Bicks - Cross

1 sentence of that paragraph?

2 A. The second sentence of the second paragraph?

3 Q. Yes.

4 A. "Your key card access to" --

5 Q. I'm sorry. The third sentence.

6 A. The third sentence: "We will make arrangements to monitor
7 your inbox and will forward any client-related matters to the
8 appropriate lawyers in the firm."

9 Q. Thank you.

10 John, you also knew that by locking me out of my offices,
11 not allowing me to use my emails, that this was going to send
12 disruption and chaos into the life of my children, including
13 Grant, didn't you?

14 A. I don't have any knowledge, Willie, whether that is correct
15 or not correct.

16 Q. OK. John, after my suspension by the firm, the firm
17 communicated with my wife's divorce lawyer, didn't it?

18 A. Not to my knowledge.

19 Q. Have you ever spoken to Jeff Maletta about whether the firm
20 communicated with my wife's attorney?

21 A. I have spoken to Mr. Maletta about whether the firm
22 communicated with your divorce attorney.

23 Q. And what did Mr. Maletta tell you?

24 A. That we have not.

25 Q. John, where do you live?

MaeWden2

Bicks - Cross

1 A. I live in Ridgewood, New Jersey.

2 Q. And have I ever been to your house?

3 A. I don't know. Not that I'm aware of.

4 Q. John, because I live in the city, you know I don't have --
5 never had a car, right?

6 A. I don't know that.

7 Q. You don't know? OK.

8 John, since January 30 of 2019, have I ever returned to the
9 New York office?

10 A. Are you referring to the inside of the space or to the New
11 York office building?

12 Q. Yes. Have I ever returned -- have I returned to the New
13 York office? You can give whatever interpretation you like.
14 Have I ever returned to the New York office, John?

15 A. It's not an interpretation. I'll answer your question. I
16 observed you outside the New York City office in the very early
17 morning hours one day in January or February, might even have
18 been March of 2019. You were outside of the building entrance
19 at the corner of 53rd and Lexington Avenue. I have not seen
20 you since your suspension inside of the office, and you
21 wouldn't have access to the inside of the office following
22 January of 2019.

23 Q. OK. John, do you have any evidence that you saw me in
24 January? January 30 was the day I got suspended. So that
25 month was over. Do you have any evidence that you saw me?

MaeWden2

Bicks - Cross

1 A. I don't.

2 Q. OK. Thank you, John.

3 A. Only my own recollection.

4 Q. Oh, OK. John, you know -- you knew that I've never owned a
5 gun in my life, didn't you?

6 A. I have no idea whether you've owned a gun in your life.

7 Q. OK. Thank you, John.

8 John, yesterday you talked a lot about your thoughts in
9 terms of -- your feelings in terms of the way that I, my
10 emails. Do you -- and you said you didn't understand why. Do
11 you think, John, that any of my emails could have somehow been
12 related to my suspension of the firm and -- to my suspension of
13 the firm, some of my text messages?

14 A. You sent me about 4,000 text messages. I don't --

15 Q. John, I asked --

16 A. I don't know what was on your mind at the time that you
17 sent them.

18 Q. John, I asked you, do you think that it was possible, yes
19 or no, that some of my text messages could have been related to
20 my suspension?

21 A. I can't answer that yes or no.

22 Q. OK. Do you think any of my text messages could have
23 somehow been related to the impact that it was going to have on
24 my children?

25 A. I can't answer that question yes or no.

MaeWden2

Bicks - Cross

1 Q. OK. Let me move on from there then. OK.

2 You're --

3 THE WITNESS: Your Honor -- and I'm sorry, Willie, to
4 interrupt you. At some appropriate moment, I need to clarify
5 an answer that I think I gave earlier.

6 You had asked me a question about my conversation --
7 BY MR. DENNIS:

8 Q. John --

9 THE COURT: Excuse me. The witness has a right to
10 clarify his earlier answer.

11 Go ahead.

12 THE WITNESS: You had asked me a question, Willie,
13 earlier about whether I had discussed with Mr. Maletta whether
14 the firm had had conversations with your divorce attorney. As
15 I reflect on it, and I just want to be very clear and correct
16 in my testimony, I recall -- I think I recall that Mr. Maletta
17 may have told me that at your request certain information was
18 provided by the firm. Some financial information, I believe,
19 was requested by you to be provided by the firm to your divorce
20 attorney. That would be the only clarification of my answer.

21 BY MR. DENNIS:

22 Q. Did Mr. Maletta ever show you any written -- a written
23 request from me asking the firm to provide my ex-wife's
24 attorney, which is actually -- which would be my ex-wife as
25 well, with any financial information, any information?

MaeWden2

Bicks - Cross

1 A. I don't recall seeing that request.

2 Q. John, did my text messages to you and other members of the
3 firm occur after there had been contact between the firm and my
4 ex-wife's divorce attorney and my ex-wife?

5 A. I don't know when any contact might have occurred between
6 the firm and your divorce attorney or your ex-wife's. So I
7 can't really answer that question.

8 Q. John, did Mr. Maletta inform you that I made the request
9 and asked for an explanation on February 14 of 2019?

10 A. I'm sorry. I --

11 Q. Did Mr. Maletta, when you discussed --

12 THE COURT: Sustained.

13 MR. DENNIS: Repeat that, your Honor? Sustained?

14 THE COURT: Yes, because he's just said he doesn't
15 know about any such communication, so how could he possibly
16 know the date?

17 MR. DENNIS: Well, I --

18 THE COURT: It's really just a way of your trying to
19 put into the record what you believe is the date.

20 MR. DENNIS: I think he clarified -- in his
21 clarification, he said oh, he did remember that Mr. Maletta had
22 come to him.

23 THE COURT: Yes. And you then asked him about whether
24 he had seen any written communications, and he said no. But if
25 you want to put some more questions --

MaeWden2

Bicks - Cross

1 MR. DENNIS: OK.

2 THE COURT: Here's the point.

3 MR. DENNIS: That's fine. That's fine. I'll move on.

4 THE COURT: OK.

5 BY MR. DENNIS:

6 Q. John, just, we're going to -- I want to take a brief segue
7 for a second. You're a bankruptcy lawyer, is that correct?

8 A. My practice is insolvency, restructuring and distress
9 transactions.

10 Q. Do you often represent companies?

11 A. Yes.

12 Q. Do you represent companies -- when you are representing
13 companies and their creditors that are owed funds by the
14 company, is that -- would you advise the company on how to deal
15 with the creditors?

16 A. Yes.

17 Q. Most of the time in a bankruptcy, do creditors end up with
18 less than what they owed, substantially less than what they're
19 owed by the company?

20 A. There's no general answer to that. It's as wide as the
21 variety of cases.

22 Q. On occasion, do they end up with less, significantly less?

23 A. Less than?

24 Q. What they're owed by the company.

25 A. Yes, absolutely.

MaeWden2

Bicks - Cross

1 Q. And are you the lawyer that has to inform the creditors on
2 occasion that they're going to get less than -- less than what
3 they've actually invested in the company?

4 A. Sure. In some circumstances I may be that person.

5 Q. OK. John, beginning from November 18 until today, did you
6 ever send me a text message stating that you felt threatened or
7 intimidated by emails to me?

8 A. I've never sent you a text message in my life.

9 Q. Or did you ever send an email saying you felt threatened
10 and intimidated by me?

11 A. I did not send you that email.

12 Q. OK. So you send letters on a regular basis to creditors,
13 telling them that, giving them really harsh news that you're
14 not going to be able to get all your money back, correct?

15 A. Not correct.

16 Q. Not correct?

17 A. I don't send letters to creditors on a regular basis
18 advising them that they're not going to get their money back.

19 Q. Do you ever -- you do it on occasion?

20 A. I don't know that I've ever sent a letter like that in 37
21 years of practice.

22 Q. OK. But you never -- we've known each other for eight
23 years. You said, I think, I want to correct your testimony.

24 You said we would both arrive in the office early in the
25 morning. Is that correct, we would both be in the office early

MaeWden2

Bicks - Cross

1 in the morning?

2 A. Often you and I were both in early in the morning, yes.

3 Q. Would we sometimes have coffee and talk?

4 A. We would.

5 Q. OK. So -- yet you never sent me a text message stating
6 that you felt intimidated or threatened?

7 A. At the time we were sitting having coffee in my office,
8 Willie, which would have been before January of 2019, you and I
9 had never had an unkind word.

10 Q. Even after my first text message -- what was the first
11 message where you felt intimidated and threatened? What was
12 the date of the first message?

13 A. The first text message that I recall receiving, I won't
14 have the exact date, but I want to say it was in May of 2020
15 was the first text message. I was seeing emails that you were
16 sending to me before that time.

17 Q. All right. When was the first email that you saw that you
18 felt threatened and intimidated by?

19 A. It would have been an email that Ms. Kushner showed me
20 yesterday, I believe, dated in 2019, where they -- with a photo
21 of some biblical verse regarding cutting down evildoers like
22 the green herb.

23 Q. When you got that email, given our relationship, you felt
24 no inclination to send me an email or text to say: Willie,
25 this is really intimidating; I'm really concerned about this;

MaeWden2

Bicks - Cross

1 can we talk?

2 You never sent one of those, is that correct?

3 A. I was very concerned, so I had the firm's lawyers send you
4 that communication.

5 Q. After the first one. OK, John.

6 A. And Willie, I want to clarify. I don't recall if your
7 first communication from the firm's lawyer was after that first
8 communication, but if you're asking did I ever ask you to stop,
9 you were asked to stop numerous times on my behalf by the
10 firm's lawyer, who was appearing for me and for the other
11 partners.

12 Q. I love your embellishment of the question, John. The
13 question was upon me sending you an email or text message where
14 you felt intimidated or harassed, the very first -- did you
15 ever send me a response?

16 A. I did not.

17 Q. OK. That's -- all right.

18 So, John, when did you -- when were you notified by the
19 Department of Justice that -- about this matter that's before
20 this Court right now?

21 A. I think I was first approached by the FBI in the summer
22 of -- I want to say in the summer of 2020 or in the late spring
23 of 2020. I might be a little off, but not much.

24 Q. And can you give us the -- what was the communication? Can
25 you give us a sense of what the communication was?

MaeWden2

Bicks - Cross

1 A. They wanted to meet with me and to speak with me about what
2 had happened. They wanted to -- they wanted me to provide my
3 cell phone so that they could download the text messages that
4 they had understood I'd received, and they wanted to talk to me
5 about the circumstances surrounding your departure from the
6 firm and the messages that you had sent to me after that time.

7 Q. Why had they identified you? Had you given them -- I mean
8 had you given them emails before? How did they identify you?

9 A. I can't tell you. I don't know.

10 Q. So just to go back, because we have a timeline that we're
11 working off, did they contact you -- approximately when?

12 A. My best recollection is that it was in the spring or
13 summer, sometime in the middle of 2020.

14 Q. OK. And at that point, what information did you provide to
15 them?

16 A. I'm sorry. Can I have a moment? I'm actually -- I'm just
17 trying to refresh my recollection as to exactly when it was
18 that I first was contacted. A little bit of Covid fog. I
19 apologize.

20 Willie, I apologize. As I sit here now, I cannot remember
21 whether it was -- I cannot remember exactly when I was first
22 contacted by them. It may have been later than 2020 that I'm
23 recalling. I apologize. I just don't recall. And I imagine
24 that you have that information, but I just don't recall.

25 Q. I'm *pro se*. I'm just trying to stay organized, you know.

MaeWden2

Bicks - Cross

1 OK. And so what information did you provide them once they
2 contacted you?

3 A. I sat with them. They asked me questions about the
4 circumstances of your departure from the firm, what had
5 happened before your departure from the firm, what had happened
6 after your departure from the firm. They asked me about
7 messages that I had received from you. They asked me to take
8 custody of my cell phone so they could download all the
9 messages that you had sent me, and I gave it to them so that
10 they could do that. I don't recall what else we might have
11 discussed. Those were the main things.

12 THE COURT: When they first interviewed you, they were
13 taking notes?

14 THE WITNESS: They were.

15 THE COURT: And would seeing those notes possibly
16 refresh your recollection as to the date?

17 THE WITNESS: I'm sure it would.

18 THE COURT: Would the government please show the
19 witness those notes.

20 MR. DENNIS: Your Honor, while they -- can I proceed
21 with the -- so we don't --

22 THE COURT: I'm sorry?

23 MR. DENNIS: Can we proceed with -- I have other
24 questions.

25 THE COURT: Yes. Go ahead.

MaeWden2

Bicks - Cross

1 BY MR. DENNIS:

2 Q. So John, just to reinforce for the jury again, you're the
3 managing partner of the New York office. When did you first
4 learn that Eric Cottle was also being recognized as a victim by
5 the FBI?

6 A. Probably the same time that they were scheduling a sit-down
7 with me; I think they visited with Eric Cottle and Rob Matlin
8 either on the same day, the day before or the day after.

9 Q. Just to clarify, you said the FBI sat down with Rob Matlin
10 as well?

11 A. Yes.

12 Q. OK. Do you know if Eric Cottle was a person who initiated
13 the communication with the FBI?

14 A. I don't know.

15 Q. OK. Cally Bostick. Cally Bostick is also listed as a
16 victim. When did you learn of Cally Bostick's involvement in
17 this matter?

18 A. Sometime after the FBI had interviewed me.

19 Q. Was it weeks, or was it days? Was it -- how --

20 A. Actually, I'm sorry. I should correct that answer.

21 Long before I sat down with the FBI, I was aware that Cally
22 was among the group of partners at the firm that you were
23 sending some really harassing, tough and vile messages to. So
24 I was aware of that long before I sat with the FBI.

25 Q. I understand your awareness of that. What we're focusing

MaeWden2

Bicks - Cross

1 on our timeline right now is when the FBI got involved, became
2 involved. You have a fuzzy recollection -- maybe spring,
3 summer; you're going to be able to figure that out. You're
4 testifying, correct me if I'm wrong, that Cally Bostick was
5 somewhere around the same time. Did you, each one of you know
6 that you were a target or that you were considered a victim of
7 the FBI -- victim in this case?

8 Or let me rephrase that.

9 Once you, Cally and Eric realized that you were -- how did
10 you -- once you all sat down and you realized, who initiated
11 the contact with the FBI for them to begin this probe?

12 A. You asked me that before, and I told you I don't know.

13 Q. OK. You don't know. OK. All right.

14 Do you know if Eric Cottle knows?

15 THE COURT: No, no, no.

16 MR. DENNIS: Withdrawn.

17 THE COURT: Yes, but I think we have that document now
18 if you want to just put it -- and identify the number for the
19 record.

20 MS. KUSHNER: Sure. It's been marked as 3505-162.

21 MR. DENNIS: Can I see it?

22 THE COURT: The sole question is whether this
23 refreshes his recollection as to the date.

24 No, no, no. You can look at it, but then we need to
25 put it in front of the witness.

MaeWden2

Bicks - Cross

1 MR. DENNIS: Yeah, I was just going to look at it
2 before.

3 THE COURT: Yes. Go ahead.

4 THE WITNESS: Thank you.

5 THE COURT: The sole question is whether, after you
6 look at this, it refreshes your own recollection of when you
7 first met with the FBI.

8 THE WITNESS: It does.

9 THE COURT: OK. What's the date?

10 THE WITNESS: I was closer than I thought. October of
11 2020.

12 THE COURT: OK. You can hand that back, or the
13 government can take it back.

14 OK. Mr. Dennis, go ahead.

15 BY MR. DENNIS:

16 Q. Now that that document's refreshed your memory, hopefully,
17 when did you -- did you ever discover who initiated the contact
18 with the FBI to commence this action, which led to this action
19 being commenced?

20 A. Once again, no.

21 Q. OK. I just -- I didn't know if looking at the document
22 (inaudible).

23 So since this, since you were initially contacted by the
24 FBI, have you spoken to Cally Bostick about this matter?

25 A. I've never had any substantive discussion with Cally

MaeWden2

Bicks - Cross

1 Bostick or any of my other partners about the matter.

2 Q. Have you ever had a conversation with Eric Cottle about
3 this matter?

4 A. No, I've never had a substantive discussion with Mr. Cottle
5 about this matter.

6 Q. So to make -- everyone was terrified, everyone was
7 traumatized about the emails and texts that I was sending them,
8 and now the FBI is involved and you never had a single
9 substantive conversation with all these people, with these
10 other individuals who were traumatized and scared? And you
11 never had a substantive conversation with them?

12 A. I've never had a substantive conversation with them about
13 this criminal proceeding against you.

14 THE COURT: So let me ask you, as a lawyer, is it
15 routine for witnesses and potential witnesses in criminal
16 investigations to not discuss the matter with other witnesses
17 because that would otherwise raise questions of getting your
18 stories together, which would not be fair and appropriate? Do
19 I have that right?

20 THE WITNESS: Yes.

21 BY MR. DENNIS:

22 Q. And, John, as the managing partner of the New York office,
23 would it not be prudent if you're looking at people being
24 physically injured to talk to them and try to assist them and
25 protect them?

MaeWden2

Bicks - Cross

1 I don't -- I understand what your Honor's saying, that in
2 preparation for litigation, sure, it's a strategy. But if the
3 real thing is everyone is scared and we're here now, one would
4 think there would be real substantive conversations going on.

5 Wouldn't you, John, ordinarily, in your course of business,
6 if a partner told you they felt threatened and intimidated,
7 wouldn't you talk to them regularly?

8 A. The only substantive conversations that I had, Willie, were
9 with the New York partners to advise them of security measures
10 that we were putting in place at, around, and after the time of
11 your suspension from the firm.

12 Q. OK. So, John, you were -- tell us about the security
13 measures that you put in place.

14 A. At the office?

15 Q. You said security measures, but tell us about all security
16 measures you put in place.

17 A. With respect to the New York office, immediately after
18 your, your -- your being, I'll say locked out from the office
19 and locked out from the IT platform, we had security personnel
20 in the office. Later on, not much later on, but when it became
21 evident that you were hanging around outside of the building
22 and apparently willing to engage K&L personnel outside, we
23 hired security to be outside of the building so that we would
24 know when you were there.

25 MR. DENNIS: Your Honor, I have a question for the --

MaeWden2

Bicks - Cross

1 because I want the jury to follow. I don't want --

2 Q. You said earlier that you had no evidence that you could
3 offer showing that you had ever witnessed me outside the
4 building?

5 THE COURT: Well, he had his own observation.

6 MR. DENNIS: His own.

7 THE COURT: Yes, his own recollection.

8 BY MR. DENNIS:

9 Q. Now you're saying about others, so before the jury has an
10 impression that I was -- do you have any proof that others --
11 you said others have told you. Do you have proof?

12 THE COURT: That's a fair point. But the reason he
13 had to answer it the way he did is because you asked him to
14 describe all security measures.

15 Confine your answer just to what the security measures
16 were, not what you had learned from other partners that may or
17 may not have prompted the security measures.

18 THE WITNESS: I understand.

19 Just to be clear, I haven't finished my answer. Do
20 you want me to finish my answer?

21 BY MR. DENNIS:

22 Q. Yeah, John, you can, as the Court requests, just describe
23 the security measures only.

24 A. I'll finish doing that.

25 Q. OK.

MaeWden2

Bicks - Cross

1 A. So, in addition to having security inside the office,
2 having security outside of the office, we had also provided
3 building security with -- I believe with your photograph and
4 with an instruction that you were not permitted to enter the
5 office.

6 That was all I recall doing.

7 Q. John, do you recall, and I'd like to give you a copy of
8 this, during your in-person meeting with the Southern District,
9 do you recall that you mentioned that the firm was also in
10 touch with the police department?

11 MS. KUSHNER: Objection, your Honor.

12 THE COURT: Well, as phrased, the objection is
13 sustained, but I think there might be a question there that
14 could be properly put. But I think, coincidentally, we've come
15 to the time for the jury's midmorning break, so we'll give them
16 a 15-minute break now and we'll take this up in the absence of
17 the jury.

18 MR. DENNIS: Can I go to the restroom, your Honor?
19 Is.

20 THE COURT: Yes.

21 (Continued on next page)
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MaeWden2

Bicks - Cross

1 (Jury not present)

2 THE COURT: You may step down. We'll see you in 15
3 minutes.

4 THE WITNESS: Thank you, your Honor.

5 (Witness not present)

6 THE COURT: I'll give you folks a ten-minute break,
7 and then we'll take up this pending question.

8 I want to flag for the government, certain of the
9 questions that have been put to the witness by Mr. Dennis have
10 not been objected to, which, of course, is the government's
11 prerogative. But of course, in making that determination, you
12 may be opening doors to questions about matters that I have
13 otherwise excluded at your request earlier. So that's your
14 choice.

15 See you in ten minutes.

16 (Recess)

17 THE COURT: Mr. Dennis, there was a question that you
18 were seeking to ask regarding reporting to the police, or
19 something like that.

20 MR. DENNIS: I think, your Honor, I asked Mr. Bicks to
21 talk about all the security measures that he had taken.

22 THE COURT: Right.

23 I'm sorry. The witness should remain outside for a
24 minute.

25 (Witness not present)

MaeWden2

Bicks - Cross

1 THE COURT: The question, as phrased, was very
2 convoluted, which is why I interrupted, but let's figure it
3 out.

4 I'm not sure that that falls within the category of
5 what you previously asked him, which was all security measures
6 taken by the firm. But just as you were able to ask the
7 witness who first reported it to the FBI, which he didn't know
8 the answer to -- but that was a fair question, and no objection
9 was made by the government to that question -- I would allow
10 you to ask -- he may not know the answer, but I would allow you
11 to ask whether he or, to his knowledge, any other member of the
12 firm also reported this matter to the New York City police.

13 What I am not going to allow, as we've gone through a
14 hundred times already, is whether the police arrested you, what
15 they did, all like that, which I've already ruled is not part
16 of this case. But let me hear if the government has -- if the
17 question you wish to put, first, is "did you contact the police
18 about this," the answer to that is no, then, "in your capacity
19 as managing partner, were you made aware that anyone in the
20 firm had contacted the police," and if the answer to that is
21 yes, then you can ask him who.

22 I take it those are the immediate questions, Mr.
23 Dennis, that you want to ask, right?

24 MR. DENNIS: Yes, your Honor. As I'm reviewing this
25 report, I'm just reviewing this discussion that -- Mr. Bicks

MaeWden2

Bicks - Cross

1 stood up here and talked to this jury about how fearful he was.
2 He sensationalized it, how he sat his kids down and told them
3 if you see Mr. Dennis in Ridgewood, New Jersey, you know, go,
4 run; how he told his mother; how he sleeps with a loaded gun.
5 He has sensationalized this. That is beyond -- so if he has --
6 if he's done all those things, he should be able to answer, did
7 you take, did you take any official action.

8 THE COURT: Did you take any?

9 MR. DENNIS: Official. Did you go through -- were you
10 being Charles Bronson.

11 THE COURT: No, no.

12 MR. DENNIS: I'm not going to say that, but I mean --

13 THE COURT: But I just said you can ask him if he
14 reported it to the police and, to his knowledge, did anyone at
15 the firm report it to the police. That's the question you
16 wanted to ask, right?

17 MR. DENNIS: That's the question I wanted to ask, but
18 as I'm reading this, your Honor, or what he said in his
19 statement, or what the statement he's made is the New York PD
20 went to tell Willie to stop what he's doing. He stated this.

21 THE COURT: OK. So if he answers the questions that I
22 just suggested you can put with "no," then you can say "do you
23 recall whether or not you told the FBI," and then you can,
24 without making it clear to the jury that you're reading from
25 the report, just say "you told the FBI that the firm had

MaeWden2

Bicks - Cross

1 reported it to the police," or whatever. And then if he says
2 "no, I don't recall that," then you can show him the 3500
3 material to refresh his recollection. So that's all fair game.

4 What I wanted to make sure -- I want to hear from the
5 government as well, but I want to make sure that you weren't
6 going to view this as opening the door to things about your
7 being arrested, etc., etc.

8 Anything from the government?

9 MS. KUSHNER: The government agrees with your Honor.
10 The question whether or not something was reported to the
11 police, we think, is a fair question. We do not think it opens
12 the door to other -- the police then showed up and then did
13 arrest Mr. Dennis or whether they showed up allegedly with
14 firearms and anything that goes into suggestions of police
15 brutality or something inappropriate that's not relevant to
16 this case.

17 THE COURT: Oh. All right. I think we've reached a
18 consensus, so let's get the witness back on the stand.

19 I'm sorry.

20 MS. KUSHNER: Your Honor, just to the extent that the
21 defendant is going to show the witness anything else, can he
22 please ask the Court for permission to approach the victim.

23 THE COURT: I'm sorry?

24 MS. KUSHNER: To the extent the defendant is going to
25 put anything else before the victim, can he please ask the

MaeWden2

Bicks - Cross

1 Court for permission to approach the victim so the victim's
2 aware that the defendant's going to be walking up to him?

3 THE COURT: Somehow I'm having trouble with my
4 hearing. I heard the first part. You request permission to?

5 MS. KUSHNER: Ask that the defendant request
6 permission from the Court to approach the victim.

7 THE COURT: Oh, I see. All right. I think we're
8 proceeding reasonably well.

9 Mr. Dennis, you've used an hour. You've asked for 90
10 minutes, but I'm giving you 120 minutes. So you have a full
11 hour still to go.

12 All right. Let's bring in the jury, and let's get the
13 witness.

14 (Continued on next page)

MaeWden2

Bicks - Cross

1 (Jury present)

2 THE COURT: Please be seated.

3 OK. Mr. Dennis.

4 BY MR. DENNIS:

5 Q. So, to pick up where we left off, I think, John, correct me
6 if I'm wrong, we were discussing security measures that --
7 security steps that you had taken in order to protect yourself
8 and the other alleged victims. And I guess the question I was
9 raising before you left, had you or anyone at the firm reported
10 this to the New York City Police Department?

11 A. At what period of time?

12 Q. I think the period of time, I think in your record you said
13 you've -- when was the first -- I go by when you first felt --

14 THE COURT: Mr. Dennis, get a little closer to the
15 microphone.

16 BY MR. DENNIS:

17 Q. Oh.

18 I'm basing it off the date when you first felt intimidated
19 or threatened. You can tell me.

20 A. The first interaction that I recall with the police
21 department would have been -- it would -- I can't recall,
22 again, if it would have been late in 2019 or sometime early in
23 2020 that the firm made a report to the local precinct for --
24 that covers 599 Lexington Avenue. I do recall that we ended up
25 meeting in the office with a squad detective and a senior

MaeWden2

Bicks - Cross

1 officer from that precinct. I apologize. I just don't recall
2 the date. It was a single meeting.

3 Q. OK. And this date was prior to the initiation of the
4 action by the Department of Justice, correct?

5 A. I just said I don't recall the date.

6 MR. DENNIS: Your Honor, may I have a brief sidebar?
7 May we have a sidebar?

8 THE COURT: All right.

9 (Continued on next page)

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Bicks - Cross

1 (At sidebar)

2 MR. DENNIS: I want to be really careful about staying
3 within the parameters or the guidelines that you gave me, so
4 he's indicated it was in --

5 THE COURT: Let me see it.

6 What is being referred to is he told the FBI that the
7 firm had made a report to the precinct, which he's just
8 testified to.

9 MR. DENNIS: Right.

10 THE COURT: And then he goes on to say "which
11 precipitated squad detective visiting Mr. Dennis at his house."
12 Now, the fact that he said that to the FBI doesn't, I think,
13 open the door to what is evidence in this case.

14 The reason I've been excluding this is both on 402 and
15 403 grounds. For Mr. Dennis's benefit, that means it's hard
16 for me to see the relevance. Mr. Dennis wants to argue that
17 the firm treated him badly and caused him all sorts of anguish,
18 but as we discussed several times at sidebar yesterday, that's
19 irrelevant to whether or not he intentionally sent harassing
20 messages. And I gave the example of the bank robber. But even
21 assuming that there's lurking there an argument, the only
22 argument that I think Mr. Dennis can make, and he's made it
23 through his questions several times now, is the notion that the
24 firm was overreacting and that this shows that they weren't
25 really so upset that they were bringing to play other

MaeWden2

Bicks - Cross

1 characteristics of their thought processes, and so that the
2 jury should not take literally how scared they were,
3 purportedly, or the like.

4 So that goes to admitting that the firm reported it to
5 the police, but it doesn't go to what the police then did. The
6 short of it is that you cannot ask him about that part.

7 MR. DENNIS: I'd like to add something to the record.
8 It's that my request and my desire is based on the fact that
9 Mr. Bicks just sat there and sensationalized this whole process
10 and talked about things that were -- he talked to his mother
11 about protecting her, whom I've never met. He said this in
12 front of the jury. He talked about he sleeps with a loaded
13 gun.

14 So his credibility goes to his being questioned here,
15 because if he did all those things, which are really implying
16 he was acting as a vigilante, and you did not receive, as a
17 professional would be --

18 THE COURT: That's argument you may or may not be able
19 to make on summation, but the only thing we have at the sidebar
20 is could you ask him about whether he told the FBI that the
21 firm's report to the precinct precipitated a visit to you from
22 the detective, and the answer is no, you cannot ask him.

23 MR. DENNIS: I wasn't going to ask him that last part.

24 THE COURT: OK.

25 MR. DENNIS: I was just going to --

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Bicks - Cross

1 THE COURT: All right.

2 (Continued on next page)

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Bicks - Cross

1 (In open court)

2 BY MR. DENNIS:

3 Q. So, John, just so everyone's clear as to what we've been
4 discussing, so your earlier testimony was essentially that
5 you -- correct me if I'm wrong, you had warned your kids about
6 me and that if they saw me coming to run away; you had warned
7 your mother about me, and if she saw me coming -- I don't know
8 if she could run away; and you sleep with a loaded gun. Those
9 are some of the things that, as the managing partner of the New
10 York office of an international law firm has done,
11 understanding that not only in his mind is his life in danger,
12 but the lives of some of his associates. So what we were --
13 where we left off was what other -- did you -- we mentioned
14 that you said a report was made to the police precinct. Who
15 made that report? You said it was one located next to the
16 office, correct?

17 A. As I told you before the break, Mr. Maletta and I met with
18 representatives of the precinct who came to our office.

19 Q. OK. And my records show that this was sometime in 2019.

20 THE COURT: No, no. Counsel, you can't testify.

21 MR. DENNIS: Oh.

22 Q. When was the date when you met?

23 A. We've talked about this, and I told you I just don't recall
24 clearly when the date was.

25 Q. Oh, OK.

MaeWden2

Bicks - Cross

1 THE COURT: But it's before you first met with the
2 FBI; yes?

3 THE WITNESS: Yes.

4 THE COURT: All right.

5 BY MR. DENNIS:

6 Q. OK. And do you know if after meeting with the New York
7 City Police Department -- did they take any action, do you
8 know?

9 MS. KUSHNER: Objection, your Honor.

10 THE COURT: Sustained.

11 BY MR. DENNIS:

12 Q. After meeting with the New York City Police Department, did
13 you follow up with them, and was there -- was there a
14 subsequent meeting? Was there subsequent -- was there any
15 subsequent meeting or any sort of subsequent communication?

16 A. Not by me between, not with me and the New York City Police
17 Department. It was just a single meeting.

18 Q. Between the New York City Police Department and anyone else
19 in the firm?

20 A. I wouldn't be aware of that. Only once with me and
21 Mr. Maletta, who was with me at the time.

22 Q. OK. Just so we wrap this up, the three partners in the New
23 York office all are terrified, you know, that I'm going to
24 come. There's a meeting with the New York City Police
25 Department and there's only one meeting, and no one ever

MaeWden2

Bicks - Cross

1 followed up again; no one ever talks to them again?

2 MS. KUSHNER: Objection.

3 MR. DENNIS: We can move on.

4 THE COURT: That is clearly just argumentative and not
5 really a question. Sustained.

6 BY MR. DENNIS:

7 Q. Is that correct? Is that correct?

8 THE COURT: No. It's defective in form. You can't
9 make an elaborate argument on a question and then say, oh, is
10 that correct? You have to put simple, straightforward
11 questions, please.

12 THE WITNESS: Your Honor, I don't know how to address
13 this, but one of Mr. Dennis's --

14 THE COURT: No, no. I sustained the objection, so you
15 don't have to answer.

16 THE WITNESS: I only had a concern about something
17 else he said stated --

18 (Indiscernible overlap)

19 THE WITNESS: -- my prior testimony, but --

20 THE COURT: Well, let's hear another question.

21 BY MR. DENNIS:

22 Q. In your meeting with the New York City Police Department,
23 did you provide them with information about your own claims of
24 harassment and intimidation by me?

25 A. I don't understand the question.

MaeWden2

Bicks - Cross

1 Q. When you sat down with the New York City Police Department,
2 did you say to them, Mr. Dennis has been harassing and
3 intimidating me?

4 A. Yes, I believe we talked about that.

5 Q. Did you provide them with any substantive documentation?

6 A. I think what we had at that time were just the emails. You
7 had not started texting me at that point.

8 Q. OK. The emails that you gave to the New York City Police
9 Department, were they also the same -- are they some of the
10 same emails you gave to the Department of Justice?

11 A. I didn't --

12 MS. KUSHNER: Objection, your Honor.

13 THE COURT: Sustained.

14 MR. DENNIS: Your Honor, I had assumed --

15 Q. I thought, Mr. Bicks, and you can correct your, that you
16 had testified earlier that the Justice Department contacted you
17 and asked you to provide them with information relating to your
18 claim. Is that correct?

19 A. It is.

20 Q. And so my question was, is the information -- is any of the
21 information you provided to the Department of Justice the same
22 information, any of it, that you provided to the New York
23 Police Department?

24 THE COURT: Well, there are still objections to that.
25 I see the government rising to object. The first is it's been

MaeWden2

Bicks - Cross

1 asked and answered to the extent he said that they were some of
2 the emails but that you had not yet begun texting.

3 Secondly, however, it's irrelevant. Sustained.

4 BY MR. DENNIS:

5 Q. John, as the managing partner of the New York office, are
6 you aware that in March, on March 3 of 2020, I filed an EEOC
7 discrimination charge against the firm?

8 A. I believe I'm aware of that, not necessarily in my capacity
9 as managing partner of the office. But I believe I'm aware
10 that you filed that complaint. I do not recall the date.

11 Q. Are you aware that that claim was filed, based on a
12 timeline that you've outlined, prior to you being contacted by
13 the FBI?

14 A. I just told you I don't know when the claim was filed, so I
15 can't answer the question.

16 Q. OK. All right.

17 John, do you recall me sending you lengthy emails with
18 multiple parties on there, multiple parties, regarding putting
19 best practices in place at the firm for sexual harassment
20 allegations against women?

21 MS. KUSHNER: Objection, your Honor.

22 THE COURT: Well, it's defective in form, but I will
23 allow it just to move things along.

24 You may answer.

25 A. I recall only a single email that you sent, Willie, that

MaeWden2

Bicks - Cross

1 I'm going to recall was sent to, maybe, 200 or more partners of
2 the firm, where you broadly spoke about your views on gender
3 equality, promoting women, promoting and protecting diverse
4 lawyers. I'm just recalling a single sort of, I would say --
5 with apologies -- rambling email that you sent to a couple of
6 hundred partners, which I seem to recall would have been at
7 sometime in 2018 probably, before you were terminated.

8 Q. John, so as you used the word "rambling," do you remember
9 an email I sent you regarding an article in the American Lawyer
10 that claimed --

11 THE COURT: No. We've been through this repeatedly.
12 It is not in evidence. It has not been introduced, and
13 therefore, to refer to the alleged contents of this alleged
14 article is completely improper.

15 MR. DENNIS: OK, your Honor.

16 Q. John, would you base -- or when you were talking about the
17 emails where you said I referred to threesomes, were you basing
18 that on some of the emails that I sent around or regarding
19 women and harassment?

20 MS. KUSHNER: Objection.

21 MR. DENNIS: Withdrawn.

22 Q. John, are you aware that the firm has halted the civil
23 action in this matter until this case, has requested the civil
24 matter be halted?

25 MS. KUSHNER: Objection.

MaeWden2

Bicks - Cross

1 MR. DENNIS: Withdrawn.

2 THE COURT: There may be a question that could be
3 properly phrased, but this is a matter of public record and
4 legal determinations.

5 You heard there was a civil lawsuit filed by Mr.
6 Dennis and that it was put on hold after this criminal action
7 was brought. The only person who can do that is not K&L Gates
8 or anyone else; it's the judge. In this case, it was the judge
9 in the civil case, and she made a determination that she wanted
10 to hold off that case and pause that case while this criminal
11 case was proceeding. And as I also previously advised you,
12 that's routine. It happens all the time.

13 So the objection is sustained.

14 BY MR. DENNIS:

15 Q. John, I have a -- I know you said you received -- I have
16 two text -- I have a text message that I sent to you on
17 Saturday, September 4, 2019, which I'd like for you to
18 identify, if the Court permits.

19 THE COURT: Show it to him.

20 MR. DENNIS: Show it to you first?

21 MS. KUSHNER: Yes.

22 Your Honor, the government has an objection to the
23 substance of the message, but I'm happy to show it to the
24 witness.

25 THE COURT: Let me see it.

MaeWden2

Bicks - Cross

1 We may need a sidebar, but just so that, hopefully, we
2 can avoid it, the person to whom this was sent has been
3 redacted.

4 Are the parties agreed to whom it was sent?

5 MS. KUSHNER: Your Honor, I just want to double-check
6 the stamp on that document. It may have -- there's different
7 versions of it, and this might be redacted as an attachment to
8 something else.

9 THE COURT: All right.

10 MS. KUSHNER: Your Honor, again, we don't object to
11 this document being shown to the witness. This is how the
12 government received the document. It is not the government's
13 redaction.

14 THE COURT: All right. Let me have the document, and
15 we'll see if there's a basis.

16 Let me show you for identification something that for
17 the moment we will identify -- do you want to call this Defense
18 Exhibit A?

19 MR. DENNIS: Yes.

20 (Continued on next page)

MAEGden3

Bicks - Cross

1 THE COURT: So have you ever seen that before?

2 THE WITNESS: Yes, I recall seeing it.

3 THE COURT: Now, was that sent to you?

4 THE WITNESS: I just can't recall. But I recall
5 having seen this message.

6 THE COURT: On that representation, Mr. Dennis, you
7 can put some questions.

8 BY MR. DENNIS:

9 Q. John, was the individual named on here -- was the
10 individual named on here one of the individuals you met with,
11 who came to your offices?

12 A. Yes, it --

13 MS. KUSHNER: Objection, your Honor.

14 THE COURT: I will allow that.

15 I think -- and this is not yet in evidence -- but I
16 think he's referring to the individual whose identification is
17 in the middle of the exhibit. So with that clarification, is
18 that one of the individuals you met with, who came to your
19 office?

20 THE WITNESS: Yes, it was.

21 THE COURT: All right. Go on.

22 MR. DENNIS: Are we able to show this to the jury?
23 Will we be able to, your Honor?

24 THE COURT: Well, you haven't offered it yet. So the
25 way to proceed is, if you think you have done sufficient work

MAEGden3

Bicks - Cross

1 to offer it into evidence, then you should offer it, and then
2 we'll see if the government has any objection.

3 MR. DENNIS: Okay.

4 THE COURT: All you have to say is the words, I offer
5 Defense Exhibit A.

6 Would you like to say those words?

7 MR. DENNIS: I offer Defense Exhibit A.

8 MS. KUSHNER: Objection.

9 THE COURT: Any objection?

10 MS. KUSHNER: Objection.

11 THE COURT: Ground?

12 MS. KUSHNER: It's the defendant's own statements.

13 And based on the Court's prior rulings, it also goes into
14 substantive matters the Court has ruled on.

15 THE COURT: Let me see it again.

16 MR. DENNIS: Can I respond to the objection?

17 THE COURT: Yes, but just let me see it for a second.
18 Objection is overruled. The exhibit is received.

19 (Defendant's Exhibit A received in evidence)

20 MR. DENNIS: What's the next step, your Honor?

21 THE COURT: So I think that the problem with this
22 exhibit -- which you may want to address in your questions --
23 is it doesn't show to whom this email was sent.

24 BY MR. DENNIS:

25 Q. John, do you recall receiving this message?

MAEGden3

Bicks - Cross

1 A. So I recall seeing it. But I have to say, among the
2 literally thousands of messages that I've seen, I don't recall
3 if this one was addressed to me or addressed to someone else.
4 I do recall seeing it.

5 THE COURT: And notwithstanding that, was it your
6 understanding that it had been sent by Mr. Dennis?

7 THE WITNESS: Yes, I recognize the email address that
8 it's sent from.

9 BY MR. DENNIS:

10 Q. John, can you read the text that's right below external
11 sent.

12 A. Yes. The text says, are your kids safe at home?

13 Q. And just to confirm, this was the detective that you met
14 with --

15 THE COURT: I think we need to -- maybe the government
16 can assist Mr. Dennis to put this on the Elmo, or if you have
17 it otherwise, so the jury can see what we're talking about.

18 There it is.

19 BY MR. DENNIS:

20 Q. John, do you recall an email I sent to you telling you how
21 I came into possession of this card?

22 MS. KUSHNER: Objection.

23 THE COURT: Sustained.

24 BY MR. DENNIS:

25 Q. John, you testified earlier yesterday that you had no idea

MAEGden3

Bicks - Cross

1 why I was sending you certain emails, that they were out of the
2 blue and you had no context. Does this help provide you with
3 any context?

4 MS. KUSHNER: Objection, your Honor.

5 THE COURT: Sustained.

6 BY MR. DENNIS:

7 Q. John, are you familiar with this quote by Abraham Lincoln:
8 You can fool all the people some of the time and some of the
9 people all the time, but you can't fool all the people all the
10 time?

11 A. I have heard that quote before.

12 MR. DENNIS: No further questions, your Honor.

13 THE COURT: Redirect?

14 MS. KUSHNER: No, your Honor. No further questions.

15 THE COURT: Thank you very much. You may step down.

16 THE WITNESS: Thank you.

17 THE COURT: Please call your next witness.

18 MS. KUSHNER: The government calls Calvina Bostick.

19 CALVINA BOSTICK,

20 called as a witness by the Government,

21 having been duly sworn, testified as follows:

22 THE DEPUTY CLERK: Please state your name and spell it
23 slowly for the record.

24 THE WITNESS: Calvina Bostick, C-A-L-V-I-N-A,
25 B-O-S-T-I-C-K.

MAEGden3

Bostick - Direct

1 THE DEPUTY CLERK: Thank you.

2 DIRECT EXAMINATION

3 BY MS. KUSHNER:

4 Q. Good afternoon, Ms. Bostick.

5 What do you do for a living?

6 A. I'm an attorney.

7 Q. And where do you work?

8 A. K&L Gates.

9 Q. What is K&L Gates?

10 A. A law firm.

11 Q. And what's your title at K&L Gates?

12 A. Partner.

13 Q. I'll come back to your job at K&L Gates in a moment.

14 Approximately how long have you been a lawyer for?

15 A. Sixteen years.

16 Q. And what degrees do you hold?

17 A. Bachelor of science and juris doctor.

18 Q. And where did you get each of those degrees?

19 A. Undergraduate, bachelor of science, at University of

20 Florida and juris doctor from Georgetown.

21 Q. After law school, what did you do?

22 A. I started working at K&L Gates.

23 Q. How long have you worked there for?

24 A. Sixteen years.

25 Q. And when you joined, what was your title?

MAEGden3

Bostick - Direct

1 A. I started off as a summer associate, so an intern. And
2 then I returned as a full-time associate.

3 Q. And when did you become a partner?

4 A. 2015.

5 Q. Do you work in a particular practice area?

6 A. Corporate with a focus on mergers and acquisitions.

7 Q. Approximately how many associates at your firm become
8 partner each year?

9 A. I don't know. Not many. It's a small promotion to
10 partnership.

11 Q. From your class, how many individuals?

12 A. My class, two were ultimately promoted to partner.

13 Q. And were you one of them?

14 A. Yes.

15 Q. Have you received any awards or recognition for your work
16 in the corporate area?

17 A. Yes.

18 Q. What have you received?

19 A. I received several awards from different bar associations
20 and legal publications.

21 Q. And does K&L Gates have multiple offices?

22 A. Yes.

23 Q. Which office do you work in?

24 A. New York.

25 Q. Where is that office located?

MAEGden3

Bostick - Direct

1 THE COURT: Take your time.

2 A. New York.

3 Q. Where exactly?

4 A. Midtown East.

5 Q. What borough is that in?

6 A. Manhattan.

7 Q. Ms. Bostick, are you familiar with an individual named
8 Willie Dennis?

9 A. Yes.

10 Q. How do you know him?

11 A. We are former colleagues.

12 Q. Where were you former colleagues?

13 A. K&L Gates.

14 Q. And approximately how many years were the two of you former
15 colleagues?

16 A. Thirteen.

17 Q. Is Mr. Dennis still at the firm?

18 A. No.

19 Q. And do you see Willie Dennis here in the courtroom today?

20 A. Yes, I do. He's right there.

21 THE COURT: The witness has identified the defendant.

22 Q. Before 2019, what was the nature of your relationship with
23 the defendant?

24 A. We were colleagues.

25 Q. What type of interactions did the two of you have?

MAEGden3

Bostick - Direct

1 A. We were cordial. When I started, I was a first year
2 associate, and he was a senior partner, so we would work
3 together on discrete matters he asked me to help out with. And
4 then maybe once or twice a year, we collaborated on different
5 diversity initiatives, particularly an annual women's
6 conference. We would work together on client dinners and who
7 we wanted to meet at the conference.

8 Q. I'm sorry if you have said this, does the defendant still
9 work at K&L Gates?

10 A. No.

11 Q. Approximately when did he stop working there?

12 A. May 2019.

13 Q. And did he stop working there voluntarily?

14 A. No.

15 Q. Why did he stop working there?

16 A. He was expelled from the partnership.

17 Q. Did you have any role in that expulsion?

18 A. No.

19 Q. What, if any, interaction did you have with the defendant
20 after he stopped working at K&L Gates in May of 2019?

21 A. He text -- that's when he started texting me more, and I
22 saw him twice.

23 Q. When you said he started texting you, what types of texts
24 was he sending you initially?

25 A. Well, he first started texting me in March, right around

MAEGden3

Bostick - Direct

1 the time he was having issues with the firm; friendly, benign
2 texts. Three. He sent me a text of him seeing a violinist in
3 Grand Central. He sent me a text of a selfie of himself with
4 the text, I see leadership in your future. And then he sent me
5 a text of a motorcycle, a video of a motorcycle when he was on
6 vacation. So that was in March.

7 And then, in May, he started texting me things about his
8 expulsion saying did I see his -- a summary of his -- a memo he
9 sent summarizing his case against the expulsion, and then I
10 should reply yes or no to his text. And then I think that was
11 it until later in the year.

12 Q. And at a certain point, did you stop responding to the
13 defendant's text messages?

14 A. I never responded to his text messages ever.

15 Q. Sorry, I want to clarify. I misunderstood your earlier
16 answer.

17 Did you say earlier that he asked you to respond yes or no?

18 A. Yes.

19 Q. And did you respond to that message?

20 A. No.

21 Q. I'm showing you what's been marked for identification
22 purposes as Government Exhibit 703.

23 Do you recognize this?

24 A. Yes.

25 Q. How do you recognize it?

MAEGden3

Bostick - Direct

1 A. It's one of the text messages that he sent to me.

2 Q. Who is "he?"

3 A. Willie Dennis.

4 Q. And is it a true and accurate copy of a text message he
5 sent you?

6 A. Yeah.

7 MS. KUSHNER: The government offers Government
8 Exhibit 703 into evidence.

9 THE COURT: Any objection?

10 MR. DENNIS: No. No objections, your Honor.

11 THE COURT: Received.

12 (Government Exhibit 703 received in evidence)

13 MS. KUSHNER: Please publish for the jury,
14 Mr. Magliocco.

15 BY MS. KUSHNER:

16 Q. Ms. Bostick, what is the date of this message?

17 A. June 24th, 2019.

18 Q. Can you please read this text message aloud.

19 A. Great to see you. Watch the movie Captive State and John
20 Goodman at the end and you will know what I am doing. As he
21 told Gabriel, you are in charge now. Delete this text now.

22 Q. First, what did you understand the defendant to mean great
23 to see you?

24 A. Referencing that he saw me at a deli close to our office in
25 New York.

MAEGden3

Bostick - Direct

1 Q. Can you please describe that interaction.

2 A. Yes. It was morning before I went to the office, went to
3 grab some breakfast. I saw him as I was walking out. He was
4 walking in. I was, you know, a little bit nervous. Because at
5 that time, I knew that he was on bad terms with the firm, he
6 had been sending some texts to other people at the firm that
7 were of a concerning nature. So I didn't know what his
8 intentions were by being around the office, given that he
9 didn't live around there and didn't work there. So I was on
10 edge.

11 So I walked past him and I tried to be calm and polite and
12 said, hey, good to see you. And he like gently touched my arm
13 and said, hey, well, don't run, wait a minute. And so I turned
14 around and I was like, yeah, hey, how you doing. And he said,
15 well, good. I have been texting you, have you received my
16 texts. And I said, no, are you sure you have the right number.
17 And he kind of looked at me like he didn't believe that
18 response because I had been receiving his texts. And he said,
19 well, I don't know if you know what happened to me, I was
20 expelled from the firm and, you know, basically that it was a
21 wrongful termination, he was discriminated against. And I
22 said, well, you know, I had nothing to do with that, that vote.
23 I'm not an equity partner, I don't vote in those decisions.
24 But I hope it works out for you. He said, well, they were
25 wrong for what they did, and I'm going to expose them, I'm

MAEGden3

Bostick - Direct

1 going to make them pay. And I said something to the effect of,
2 well, you know, if they really did wrong you, wrongfully
3 terminate you, then the right course of action is to initiate a
4 legal action and not take other actions. As I mentioned, he
5 had been texting people and saying some concerning things to
6 them, so I was just trying to, you know, veer a situation to a
7 better direction.

8 MR. DENNIS: Objection, your Honor.

9 THE COURT: I think you had answered the question, so
10 we'll let it go at that.

11 Put another question.

12 BY MS. KUSHNER:

13 Q. What, if anything, did the defendant say to you before you
14 left the deli?

15 A. He said, no, he's going to handle things his way.

16 Q. And what did you understand that to mean?

17 A. A way that wasn't legal. I don't know.

18 Q. And turning back to the text message on the screen,
19 Government Exhibit 703, what was your understanding of what
20 watch the movie Captive State meant?

21 A. Well, I didn't know what it meant, and I -- I figured,
22 since he told me to delete the text now, that it probably
23 wasn't something that was a positive movie. So I -- I'm pretty
24 sensitive to horror films and films involving violence,
25 particularly in this context, so I didn't watch it, I couldn't

MAEGden3

Bostick - Direct

1 bring myself to watch it, I still haven't watched it. But I
2 understand that it was a battle between humans and aliens for
3 control of the planet. And to get control, the humans plan a
4 suicide mission that is unsuccessful, but they still carry it
5 out. And there are some other killings involved in that
6 mission. So I was totally freaked out by that. And so I --
7 you know, after understanding what it was about, I couldn't
8 watch it.

9 Q. And you just referenced the part at the end where it says
10 delete this text now. Was that the only time the defendant
11 sent you a message that he told you to delete?

12 A. No.

13 Q. And is it the only time he referenced the movie Captive
14 State?

15 A. No.

16 Q. Showing you what's been marked for identification purposes
17 as Government Exhibit 702.

18 Do you recognize this?

19 A. Yes.

20 Q. How do you recognize it?

21 A. It is one of the texts he sent to me.

22 Q. Who is he?

23 A. Willie Dennis.

24 Q. And is this a true and accurate copy of one of the texts
25 the defendant sent to you?

MAEGden3

Bostick - Direct

1 A. Yes.

2 MS. KUSHNER: The government offers Government
3 Exhibit 702 into evidence.

4 THE COURT: Any objection?

5 MR. DENNIS: Objection, your Honor.

6 THE COURT: Ground?

7 MR. DENNIS: I don't think that we can continue -- I
8 can continue -- that it is right to continue to enter evidence
9 in November of -- in September of 2019 and not to be able to
10 fully discuss the event that occurred on September 4th, 2019
11 because that provides a whole -- a different context.

12 THE COURT: That's for cross-examination, if at all.

13 The objection is overruled. The exhibit is received.

14 (Government Exhibit 702 received in evidence)

15 BY MS. KUSHNER:

16 Q. Ms. Bostick, what was the date of this text message?

17 A. September 15th, 2019.

18 Q. And can you please read what it says.

19 A. Captive State. Did you ever watch the end?

20 Q. Do you recall receiving that text message?

21 A. Yes.

22 Q. What was your understanding of it?

23 A. That he was referencing the violence that took place in the
24 movie, including the suicide mission and the --

25 MR. DENNIS: Objection, your Honor.

MAEGden3

Bostick - Direct

1 THE COURT: Overruled.

2 A. That's it. That was my understanding.

3 Q. How did that text make you feel?

4 A. I felt threatened, vulnerable. I thought he was trying to
5 send me a message and, you know, a little scared.

6 Q. In 2019, how often were you going into the New York office?

7 A. 2019, every day, every weekday.

8 Q. And at the time you started receiving text messages from
9 the defendant after his termination, what, if any, concerns did
10 you have about going into the office?

11 A. I still went to the office, but I was concerned about
12 workplace violence in light of, you know, these texts and other
13 texts I know he was sending, and that he clearly was very angry
14 and felt wronged by the firm and was hanging around the firm or
15 at least that one time I saw him. I understand that he had
16 been around the firm at other times, so --

17 MR. DENNIS: Objection, your Honor.

18 The witness can testify as to what she saw. I don't
19 think she can testify as to what others -- what she heard from
20 others, unless there's evidence.

21 THE COURT: We'll strike the last sentence, but the
22 rest of the answer was responsive.

23 BY MS. KUSHNER:

24 Q. Did you take any steps -- what, if any, steps did you think
25 the firm should take around that time?

MAEGden3

Bostick - Direct

1 A. Well, I know the firm --

2 Q. Sorry. Just what did you think about any steps the firm
3 should take, setting aside what the firm did?

4 A. Oh, I thought we should have security, which I know we did.
5 And I was concerned about workplace violence. I thought that
6 maybe we should do some drills in case there was a situation at
7 work involving violence.

8 Q. What kind of drills?

9 A. Active shooter drills.

10 Q. And turning your attention to what's in evidence as
11 Government Exhibit 103-42. And turning your attention to
12 the -- well, I'll ask you to read each of these three text
13 messages aloud.

14 A. Right now?

15 Q. Sure.

16 A. I was standing in front of you the whole time and you never
17 saw me.

18 And I just watched and waited till we ran out of time.

19 Remember that day in the deli when we accidentally ran into
20 each other. You could not speak with me but you could not wait
21 once you got be to the office to tell others and then allege I
22 threatened you.

23 And I just shook my head and waited some more.

24 Q. Do you recall receiving these messages?

25 A. Yes.

MAEGden3

Bostick - Direct

1 Q. Who were they from?

2 A. Willie Dennis.

3 Q. And who were they sent to?

4 A. Me.

5 Q. And what was the date of these messages?

6 A. November 13th, 2020.

7 Q. Turning your attention to what's in evidence as Government
8 Exhibit 103-1.

9 What is this?

10 A. A text that Mr. Dennis sent to me.

11 Q. What date was it sent?

12 A. May 14th, 2020.

13 Q. Can you please read the message.

14 A. Hi, Cally. Are you still listening? The lord is now
15 speaking on all matters. God save us. Amen.

16 Q. Do you recall receiving this text?

17 A. Yes.

18 Q. What was your understanding of it?

19 A. You know, it -- it wasn't clear. But based on this text
20 and other texts that I received in 2019 and texts that he had
21 sent to other text groups that he added me to, he seemed to
22 have a fixation on god and carrying out god's actions and
23 making people a biblical --

24 MR. DENNIS: Objection, your Honor.

25 A. -- symbol.

MAEGden3

Bostick - Direct

1 MR. DENNIS: I see nothing in here where I -- it says
2 I --

3 THE COURT: No, this is --

4 MR. DENNIS: Objection to the --

5 THE COURT: I think we will strike everything after
6 "it wasn't clear."

7 Objection sustained.

8 BY MS. KUSHNER:

9 Q. Was this the only message in which the defendant invoked
10 god, the only message you received from the defendant in which
11 the defendant invoked god?

12 A. No.

13 Q. Did you receive messages in which he invoked the Bible?

14 A. Yes.

15 Q. Turning your attention to Government Exhibit 103-11 and
16 directing your attention to page 3, the top message on that
17 page.

18 What is this?

19 A. A text that Mr. Dennis sent to me.

20 Q. What is the date of it?

21 A. August 31st, 2020.

22 Q. Can you please read it aloud.

23 A. Never said anything before. God has now commanded me to
24 call out you actions which are so offensive in his eyes.

25 MR. DENNIS: Your Honor, can we have a sidebar.

MAEGden3

Bostick - Direct

1 THE COURT: I'm sorry?

2 MR. DENNIS: A sidebar.

3 THE COURT: Yes.

4 (Continued on next page)

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MAEGden3

Bostick - Direct

1 (At sidebar)

2 MR. DENNIS: As with Mr. Bicks, it appears that we're
3 going to go through another session where we're going to show
4 emails and she's going to be allowed to ruminate about whatever
5 she thinks was the interpretation of the emails where there's
6 no basis to it and there's no context around it.

7 THE COURT: So?

8 MR. DENNIS: So...

9 THE COURT: I'm sorry, if an email is sent from you to
10 her, it is admissible. She can give her understanding of what
11 she thought it meant because that's relevant to the portion of
12 the case that relates to emotional distress.

13 What she can't do is go on and sort of give a more
14 global theory. So that's why I sustained your objection to her
15 comment earlier about having a fixation on god and so forth and
16 struck that from the record. But this is all perfectly proper.

17 MR. DENNIS: Okay. So the only thing I -- I don't
18 know how I'm going to get this in, if I look at an email on
19 May 14th, 2020, bodies were dropping in New York left and
20 right, so when I'm talking about god --

21 THE COURT: This is --

22 MR. DENNIS: Okay.

23 THE COURT: To the extent that you want to
24 cross-examine about other events she had knowledge of, you can
25 do that on your cross.

MAEGden3

Bostick - Direct

MR. DENNIS: Okay.

(Continued on next page)

MAEGden3

Bostick - Direct

1 (Jury present)

2 BY MS. KUSHNER:

3 Q. Focusing back on the message in front of you, Ms. Bostick,
4 what was your understanding of this message from the defendant?

5 A. That what he was doing was out of his control and he was
6 acting through god, he was commissioned by god to retaliate.

7 Q. And how did this text message make you feel?

8 A. Well, he -- it was sent in August, late August. And that's
9 when he really ramped up the texts towards me. So this text,
10 in conjunction with the other ones, made me feel in danger.

11 Q. Just make sure to speak into the microphone so everyone can
12 hear you.

13 A. Yeah.

14 Q. Turning you now to Government Exhibit 103-17, which is also
15 already in evidence, and turning your attention to the bottom
16 of page 1, the bottom text message.

17 What is this?

18 A. A text message sent by Mr. Dennis to me.

19 Q. What is the date of this message?

20 A. September 1st, 2020.

21 Q. And approximately what time would you have received this
22 text message, understanding that the timestamp is in UTC?

23 A. Midnight.

24 Q. I'm going to read it aloud.

25 You don't have to respect a black man. Right. Okay. What

MAEGden3

Bostick - Direct

1 about fear him? Better?

2 Do you recall receiving that message?

3 A. Yes.

4 Q. And turning your attention to the next page, on page 2, I'm
5 going to read it aloud. You are going to be a biblical symbol
6 during this time of injustice and hatred of what happens when
7 you are offensive in the eyes of the lord. Oh, lord, first
8 time hearing that word. Book called the old testament. Check
9 it out some time. Interesting read. Be right back...

10 What was the date of this message?

11 A. September 1st, 2020.

12 Q. And approximately what time would you have received this
13 message?

14 A. Midnight, 12:49.

15 Q. And who was this message from?

16 A. Mr. Dennis.

17 Q. Who was it sent to?

18 A. Me.

19 Q. Do you recall receiving this message and the other message
20 I just read asking about fearing a black man?

21 A. Yes.

22 Q. What was your understanding of those two text messages?

23 A. Those two, meaning this one and the last one?

24 Q. Yes.

25 A. Again, he was fixated on god and some sort of retribution

MAEGden3

Bostick - Direct

1 that god was commanding him to take out. And the fear a black
2 man, so that, I just thought he was just doubling down on
3 trying to intimidate me, letting me know that I should fear him
4 and he wanted me to fear him. He actually wanted me to be
5 afraid.

6 Q. And what was your understanding of when he said, you are
7 going to be a biblical symbol?

8 A. In conjunction with other texts about how god is commanding
9 him to act, I took it to mean that I was going to suffer some
10 kind of harm.

11 What came to mind with the biblical symbol was the
12 crucifixion of Christ, honestly, and how he died on the cross
13 as a sacrifice. So like is he saying that I have to die for
14 not -- that's what -- that's where my mind went with it.

15 Q. Was it the only time he told you you were going to become a
16 biblical symbol?

17 A. No. Probably hundreds of times.

18 Q. And you said you received these text messages around
19 midnight. Are these the only texts the defendant sent you in
20 the middle of the night?

21 A. No. I mean, over a period of two years, he texted me all
22 times of the day and night. So maybe five texts a day, maybe a
23 hundred texts a day, but all times.

24 Q. And you referenced texts, chats that the defendant added
25 you to. What were you referring to there?

MAEGden3

Bostick - Direct

1 A. So he would text me directly via like regular text
2 messages, but also like WhatsApp and other -- I guess just
3 WhatsApp and regular texts. But then he also added me to five
4 or six text groups at different times with different members of
5 management, different partners in different offices, all
6 partners, but different groups of partners with some overlap.

7 Q. In 2020, did you ever block the defendant's text messages
8 to you?

9 A. In 20 -- I never did.

10 Q. Why not?

11 A. Because I wanted to know what he was thinking, what he was
12 planning. Because when he first started texting me in 2019,
13 they were friendly texts. And I saw them change tone and
14 escalate and become more threatening.

15 And because I thought he lived in Harlem at the time, I
16 wanted to know what he thought and if I needed to take any
17 extra measures to protect myself, which I ultimately did. But
18 ultimately, I thought it would be better to know -- even though
19 it was hard -- I came close to blocking him several times, but
20 I also thought it was better. Sometimes I would just like look
21 at the texts and see if he was still texting me without like
22 thinking about it too much. But I just wanted to know like,
23 one, was he still texting me, was I still a target; and two,
24 was it escalating.

25 MR. DENNIS: Your Honor, I don't want to -- I would

MAEGden3

Bostick - Direct

1 like to have a sidebar, because I don't want to say anything
2 that the jury can hear.

3 THE COURT: All right.

4 (Continued on next page)

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MAEGden3

Bostick - Direct

1 (At sidebar)

2 MR. DENNIS: I just want the record to be clear, this
3 is the third K&L Gates partner testifying under oath, a member
4 of the bar, who is discussing vigilante sort of tactics; I had
5 to take care of myself. It's a rightful question to ask them
6 later, what official, what proper action did you take if you
7 had this much fear. If she sat there and said, I had to take
8 care of myself, what is this?

9 THE COURT: This all seems to me to be very
10 straightforward testimony about what was her state of mind and
11 reaction to your --

12 MR. DENNIS: And actions that she's taken. She's
13 discussing actions.

14 THE COURT: I'm sorry?

15 MR. DENNIS: And actions that she's taken. I better
16 protect myself.

17 THE COURT: Actions that she took, which the jury, if
18 they wish, could support her claim and the government's claim
19 that she was in substantial emotional distress and that's why
20 she took these actions. So it's corroborative, first, of her
21 state of mind.

22 Overruled.

23 (Continued on next page)

MAEGden3

Bostick - Direct

1 (Jury present)

2 BY MS. KUSHNER:

3 Q. Ms. Bostick, in 2019 and up until September 1st, 2020,
4 where were you living?

5 A. My apartment in Harlem.

6 Q. And what was your understanding of where the defendant
7 lived at that time?

8 A. He had a brownstone in Harlem.

9 Q. Ms. Bostick, directing your attention to what's in evidence
10 as Government Exhibit 103-21, and looking at the text message
11 at the top of this chain.

12 Who is this message from?

13 A. Mr. Dennis.

14 Q. Who is it to?

15 A. Me.

16 Q. What is the date of this message?

17 A. September 6th, 2020.

18 Q. And do you recall receiving this message?

19 A. I received it, I received a lot.

20 Q. I'll read this message aloud.

21 You did receive it, though; right?

22 A. Yes.

23 Q. Cally, this week I will begin to make you a biblical symbol
24 during this biblical moment. Black lives matter. As you know
25 I have been reflecting on this for over a year, so it is being

MAEGden3

Bostick - Direct

1 done with much regret. Having traveled a similar road, I also
2 know it will be very painful personally and professionally.
3 For this reason, I think you deserve to know why. Such
4 information may be helpful to you to navigate the storm which
5 is descending. During the course of this Sunday, I will try
6 and complete this obligation that I do owe you. Why...

7 What is your understanding of this text message?

8 A. What is my understanding of it?

9 Q. Yes.

10 A. What do you mean?

11 Q. What did you take this to mean when he said, this week I
12 will begin to make you a biblical symbol during this biblical
13 moment?

14 A. That he was going to start exacting whatever revenge he was
15 alluding to earlier texts, like now is the time.

16 Q. The text messages we have discussed are -- including this
17 one -- are these the only text messages he sent you in which he
18 said you were going to become a biblical symbol?

19 A. No. He said it many times, probably hundreds.

20 Q. In early September 2020, what, if any, steps did you take
21 in response to the messages -- well, withdrawn.

22 The text messages we just saw in August and the first week
23 of September 2020, are those the only text messages you
24 received from the defendant in August and the first week of
25 September 2020?

MAEGden3

Bostick - Direct

1 A. No. In August, late August is when he really started to
2 focus on me and started to send me a barrage -- I mean, I was
3 already getting texts from May, but not like -- to the volume
4 it started in late August and early September, throughout the
5 next year.

6 Q. Around this time in early September 2020, did you take any
7 steps in response to the defendant's text messages to you?

8 A. Yeah. Once the texts became more directed towards me
9 personally, in late August, I got security on my apartment
10 because, again, I thought he lived in Harlem. First, the
11 security was only at night. But then as the texts, in my view,
12 became more threatening, I had security during some daytime
13 hours as well.

14 Q. Where was the security?

15 A. Outside my apartment. And then if I left, they would
16 follow me.

17 Q. And what --

18 MR. DENNIS: I didn't hear. What was the -- I didn't
19 hear. Withdrawn. Sorry.

20 Q. Did you take any other steps in early September in response
21 to the defendant's text messages to you?

22 A. Yeah. Well, in late August, he sent texts telling me he
23 was going to follow me until I answered him and, you know, more
24 of this biblical symbol stuff and sending me texts with the
25 word death and skull. Skull followed by death, but like

MAEGden3

Bostick - Direct

1 several times in one text. Sending me pictures of myself,
2 which shows he's like finding a picture on the internet and
3 sending it back to me. So I really was afraid.

4 And so I stopped leaving my apartment as frequently. I
5 normally went for a morning jog. I did it every now and then,
6 but I was so afraid, I stopped doing it as much. Then I got
7 security. So those were the steps I took.

8 Q. And around this time, was this during the time of COVID?

9 A. Yes.

10 Q. When you were outside -- well, why did you stop going for
11 your morning jogs as frequently as you had been?

12 A. Well, because he said he was going to follow me, and he was
13 sending me texts that were clearly intended to intimidate and
14 were threatening. And so I didn't know if he was following me,
15 and I didn't feel safe.

16 And then, it was exacerbated by the fact that we were in a
17 pandemic and everyone was wearing a mask, and I couldn't tell
18 who was who, so I was like extra paranoid. Standing in line
19 outside the grocery store wearing a mask, not knowing who was
20 behind me. Running and not knowing if I was running past his
21 brownstone. Even though I knew he had a brownstone in Harlem,
22 I didn't know what street it was on. So I just was very
23 paranoid and very anxious, so I just kind of became more of a
24 recluse.

25 Q. How, if at all, did the messages you were receiving in late

MAEGden3

Bostick - Direct

1 August and early September -- withdrawn.

2 Turning your attention to Government Exhibit 103-4, and
3 turning your attention to page 2.

4 Do you recognize the first text message on this page?

5 A. Yeah.

6 Q. Who was it from?

7 A. Mr. Dennis.

8 Q. Who was it to?

9 A. Me.

10 Q. What's the date of this message?

11 A. August 29th, 2020.

12 Q. Please read it aloud.

13 A. You cannot be trusted and the world needs to know.

14 Q. And on page 3 of this text chain, can you please read the
15 bottom two text messages.

16 A. Let's fill up your evil files. Did not fool me. Was
17 hoping you would change but gutter to the end.

18 So let's send you back there.

19 Q. And what was the date of these two messages?

20 A. August 29th, 2020.

21 Q. Do you recall receiving these messages?

22 A. Yes.

23 Q. What was your understanding of the message on page 2 where
24 the defendant said, you cannot be trusted and the world needs
25 to know?

MAEGden3

Bostick - Direct

1 A. That he was going to start some kind of smear campaign
2 about me and spread false statements in retaliation for me not
3 responding to him and supporting him in whatever issue he had
4 with the firm.

5 Q. And how did a text message like that make you feel?

6 A. I got a lot of texts of that nature, and so it felt like he
7 was trying to threaten my career, because my reputation is very
8 important. And he called me in several texts the it girl. And
9 so I had a good reputation, he was like making it known that he
10 was going to ruin that by spreading the kind of statements that
11 could ruin somebody that are totally false. It also made me
12 feel hurt that he would threaten me in that way, given -- we
13 weren't like close, but he was a senior partner when I was a
14 junior associate, and he saw me go up through the ranks. So I
15 think I was more hurt by that, and also afraid that he would
16 start a smear campaign and try to ruin me professionally.

17 Q. Turning your attention to Government Exhibit 103-14 and
18 your attention to the message on this page.

19 Who is this text message from?

20 A. Mr. Dennis.

21 Q. Who is it sent to?

22 A. Me.

23 Q. What was the date of this message?

24 A. August 31st, 2020.

25 Q. I'm going to read this message out loud.

MAEGden3

Bostick - Direct

1 You need to practice outside of New York. Because if you
2 stay in New York, I am going to follow you till you answer my
3 questions cotton head. Easier I think for you to practice
4 elsewhere. But your call. Cotton head.

5 Do you recall receiving that text message?

6 A. Yes.

7 Q. What was your understanding of when the defendant said you
8 need to practice outside of New York?

9 A. That I need to leave, that I needed to quit working at the
10 firm, generally, because he had issues there. And even beyond
11 that, leave New York, like he said. It was like a threat. If
12 you don't, then I'm going to follow you. That's what he said,
13 and that's how I interpreted it.

14 Q. And how did that make you feel?

15 A. Vulnerable, threatened. That's when I started -- this text
16 is really what made me very, very nervous and scared because he
17 said, I'm going to follow you. And then, you know, I seen him
18 in the deli, so I knew he could be around. And I thought he
19 lived in the neighborhood, so yeah, I was -- I was frightened.

20 Q. Do you see where the defendant calls you cotton head in
21 this message?

22 A. Yes.

23 Q. Has anyone other than the defendant ever called you that
24 before?

25 A. Not to my knowledge.

MAEGden3

Bostick - Direct

1 Q. Sitting here today, what is your understanding of being
2 called cotton head?

3 A. What is my understanding of being called it?

4 Q. Sitting here today, yes.

5 A. It's a derogatory term.

6 Q. Why?

7 A. It's calling me a name.

8 Q. Does the word cotton have any connotation to you?

9 MR. DENNIS: Objection, your Honor.

10 She's answered the question.

11 THE COURT: Overruled.

12 A. So I understand that it could mean idiot, stupid, but that
13 it has origins as a racial slur, could be interpreted to be a
14 racial slur because African-Americans were enslaved and picked
15 cotton, and that's a term used to refer to them in a derogatory
16 manner.

17 MR. DENNIS: Your Honor, I would suggest we just get
18 out Webster's dictionary and look up the definition.

19 THE COURT: Overruled.

20 BY MS. KUSHNER:

21 Q. How did it make you feel to be called a name like that?

22 A. Again, I think it was more just like hurtful. I knew he
23 was trying to hurt me. Particularly from a man who was a
24 senior partner, who, you know -- calling me those kind of names
25 was hurtful. And that's probably the -- the part of the text

MAEGden3

Bostick - Direct

1 that really bothered me was the get out of New York, I am going
2 to follow you. The cotton head, it was more like, why would
3 you call me that. It kind of went to like the extent to which
4 he wanted to demean me and in how little regard he held me. It
5 was more so when he used that term in the group text -- because
6 he called me that a lot -- that I felt really embarrassed and
7 that he was trying to really strip me of my dignity in front of
8 my colleagues and demean me to a mean name.

9 Q. Is that the only mean name he called you?

10 A. No.

11 Q. What are some of the other names you recall that he called
12 you in text messages to you?

13 A. I would prefer not to repeat them, because in his texts to
14 me, he said I will have to say this stuff in court, and I would
15 prefer not.

16 Q. Did you receive a text message in which he called you
17 biscuit head?

18 A. Yes.

19 Q. Did you receive a text message in which he called you
20 murderer?

21 A. Yes.

22 Q. Did you receive a text message in which he called you
23 gutter rat?

24 A. Yes.

25 Q. Did you receive a text message in which he called you

MAEGden3

Bostick - Direct

1 wench?

2 A. That one I don't remember, but I could believe it.

3 Q. Did you receive a text message from him in which he called
4 you trash?

5 A. Yes.

6 Q. Going back to Government Exhibit 103-14 and turning your
7 attention to page 3.

8 What does the first text message on this page say?

9 A. You packing yet.

10 Q. And who was this message from?

11 A. Mr. Dennis.

12 Q. Who was it sent to?

13 A. Me.

14 Q. What was the date of this message?

15 A. August 31st, 2020.

16 Q. Was this the same day as the text he sent you telling you
17 to practice outside of New York that we were just discussing?

18 A. Yes.

19 Q. And what's your understanding of this text message?

20 A. Again, telling me that I need to leave or else, really.

21 Q. And do you see the text message the defendant sent you
22 immediately after that right on the bottom of this page? Do
23 you see that message?

24 A. Yes.

25 Q. I'm going to read it aloud. They like to make examples. I

MAEGden3

Bostick - Direct

1 am going to make one of you. Echoing in the background.

2 What was the date of this message?

3 A. August 31st, 2020.

4 Q. Do you recall receiving this message?

5 A. Yes.

6 Q. How did it make you feel?

7 A. Well, all these texts are coming at the same time. So

8 second after second, I was getting these texts around

9 August 13th. So I really felt attacked. I felt like I was in

10 danger. And I felt like he was telling me he was going to make

11 good on what he was saying to me, including the whole biblical

12 symbol thing, I felt that he was -- it became more clear to me

13 what he was saying, make an example of me.

14 But the U, U, U, U, echoing in the background was kind of

15 like spooky. And he did that a few times in texts, like

16 nothing to lose, lose, lose. Like he wanted to scare me, he

17 wanted to intimidate me. So that just added to the fear that

18 it brought on.

19 Q. Directing your attention to Government Exhibit 103-16 and

20 turning your attention to the first text message on this page.

21 What is this?

22 A. A text that Mr. Dennis sent to me.

23 Q. What is the date of this message?

24 A. September 1st, 2020.

25 Q. Can you please read this message aloud.

MAEGden3

Bostick - Direct

1 A. You know every time I send a text to the big room and you
2 do not respond it makes me even more annoyed at you. You can
3 discuss my reasonableness won't respect to my family publicly
4 and then back to the no backbone Cally I have always known.
5 Others have stated it but again I was silent. You really need
6 to leave the New York office soon, like in a week or so or you
7 will become part of the public conversation.

8 MR. DENNIS: Your Honor, can we have a sidebar on
9 this, this text message.

10 THE COURT: All right.

11 (Continued on next page)

MAEGden3

Bostick - Direct

1 (At sidebar)

2 MR. DENNIS: This precise text relates to the witness
3 that I want on Monday, relates to the witness that I want on
4 Monday, Laurie Robinson because she puts context around the use
5 of the word reasonableness and how it actually fits. And it's
6 not being said in the context in which it was delivered.
7 Laurie Robinson -- so I wanted to spot this before we went on.

8 THE COURT: Overruled.

9 By the way, while we're at the sidebar, just out of
10 curiosity, since the witness identified cotton head as being a
11 derogatory term and a slang term, just for my own curiosity, I
12 looked it up in a classic slang dictionary, which defined it as
13 moron, idiot and other derogatory terms very similar to what
14 the witness had testified. I just mention that because
15 Mr. Dennis had wanted the Webster dictionary definition, but a
16 slang term is not something you go to Webster's for. You go to
17 a slang dictionary.

18 Now, we're probably going to want to give the jury a
19 lunch break in a few minutes, so find a good place to.

20 MS. KUSHNER: Okay.

21 (Continued on next page)

MAEGden3

Bostick - Direct

(Jury present)

BY MS. KUSHNER:

Q. Ms. Bostick, what did you understand the defendant to be referring to when he said the big room in this text message?

A. The text message that he added me to with members of firm management.

Q. And how did it make you feel when the defendant said, you really need to leave the New York office soon?

A. So this is on September 1st, after he had already been sending me those kind of text messages, so just, you know, that he was fixated on the fact that I needed to leave. It was an ultimatum, like you need to leave or else I'm going to do all these things I've been saying; follow you, make you a biblical symbol, add you to a civil lawsuit, make you testify about the things that I'm texting to you which aren't true, all those things.

MS. KUSHNER: I think this is a fine place to stop.

THE COURT: Ladies and gentlemen, we will take our lunch break. And we will resume at five minutes before 2:00.

(Jury excused)

(Continued on next page)

MAEGden3

1 (Jury not present)

2 THE COURT: You may step down. We'll see you in about
3 an hour.

4 We will see you in an hour.

5 (Luncheon recess)

6 (Continued on next page)

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MAEGden3

AFTERNOON SESSION

1:55 p.m.

THE COURT: Please be seated.

We're still waiting for a couple of jurors. Let me ask the government, how much longer on direct do you expect?

MS. KUSHNER: Approximately 30 minutes.

THE COURT: OK.

How long, Mr. Dennis, do you want for cross?

MR. DENNIS: Approximately 60 minutes.

THE COURT: I'm sorry?

MR. DENNIS: Approximately 60 minutes.

THE COURT: 60 minutes. Yes, that's fine. I think we will be able to finish this witness today.

Let's get the witness. And then let's bring in the jury.

(Continued on next page)

MaeWden4

Bostick - Direct

1 (Jury present)

2 THE COURT: Please be seated.

3 OK. Go ahead.

4 BY MS. KUSHNER:

5 Q. Hi, Ms. Bostick.

6 Turning your attention to Government Exhibit 103-18, which
7 is in evidence, and turning your attention to page 1, are these
8 additional text messages you received from the defendant?

9 A. Yes.

10 Q. What was the date these messages were sent?

11 A. September 1, 2020.

12 Q. I'm going to read them aloud: "Cally, double agent
13 Bostick. Girl a long way from little old Jacksonville. Get up
14 and start packing."

15 Approximately when did you receive the first two text
16 messages in this chain?

17 A. 1:30 in the morning.

18 Q. And turning your attention to --

19 MS. KUSHNER: Sorry. The next, next page, actually.

20 It says, "Get up and start packing." And then the
21 text right after that says "little girl."

22 Q. And turning your attention to Government Exhibit 103-20,
23 are these additional texts you received from the defendant on
24 September 1, 2020?

25 A. Yes.

MaeWden4

Bostick - Direct

1 Q. I'm going to read these three aloud. I'm going to read the
2 first and the third message aloud. Sorry: "Are you packing?
3 Get out." Do you recall receiving those messages?

4 A. Yes.

5 Q. And turning to page 2 of this exhibit, who are these
6 messages from?

7 A. Mr. Dennis.

8 Q. And who were they sent to?

9 A. Me.

10 Q. Also on September 1, 2020?

11 A. Yes.

12 Q. I'm going to read them aloud: "Speak, biscuit head. Am I
13 wrong? Right? Don't let me have to find out again from a
14 public audience, or you'll be practicing in another country.
15 What is Cally's cell phone number? Even now I'm considering
16 disbarment action against you. Miss who me?"

17 What was your understanding or how did this and the other
18 text messages that we've just discussed from September 1, 2020,
19 make you feel?

20 A. Well, at this time I was also being bombarded with texts,
21 so it was one of hundreds I was receiving at times. So again,
22 as mentioned before, he's telling me to leave and he's doubling
23 down on that and he's continuing to repeat that I need to
24 leave. He's continuing to call me names, so it really just
25 made me feel like I was a target and he was really focused on

MaeWden4

Bostick - Direct

1 me. And he even said that in other texts, that he -- I was --
2 you know, he was paying special attention to me now. So I, you
3 know, I felt like I was in harm's way potentially.

4 Q. And turning your attention to Government Exhibit 105-39,
5 page 2 of that exhibit, do you see the text message at the
6 bottom?

7 A. Yes.

8 Q. Who is that from?

9 A. Mr. Dennis.

10 Q. And who was it sent to?

11 A. Me and three other senior partners in the New York office.

12 Q. What date was it sent?

13 A. September 1, 2020.

14 Q. Can you please read it aloud?

15 A. "Cally, you are toast."

16 Q. What was your understanding of that text message?

17 A. I'm done.

18 Q. And turning your attention to the next page, page 3, of
19 this exhibit, I'm going to read the top two text messages
20 aloud.

21 Were these messages sent in the same chain you just
22 mentioned?

23 A. Yes.

24 Q. What day?

25 A. September 1, 2020.

MaeWden4

Bostick - Direct

1 Q. "Cally, I really don't know why I did not listen to others
2 and roasted you long ago, but your moment is here. During this
3 biblical moment, you will be a biblical example. You are not
4 at the very top of the list, but I can hardly wait to get to
5 you."

6 Do you recall receiving those messages?

7 A. Yes.

8 Q. What was your understanding of them?

9 A. That now was the time when he was going to retaliate
10 against me for not responding to him and supporting him. And
11 again, with the obsession with God and acting through God and
12 making me a biblical example seemed like a very direct threat.

13 Q. And how did it make you feel?

14 A. Fearful. This is about the time we spoke about where I got
15 security, stopped leaving my apartment as much, and just was
16 paranoid because these texts were coming in all day and night,
17 more threats. And he stated that, you know, he was about to
18 follow God's command. So I -- I just took it as, like, he
19 could hurt me at any time.

20 Q. Did the messages that you were receiving, did these
21 messages and the others you say you were receiving around the
22 same time from the defendant, have any impact on your mental
23 health?

24 A. Yes.

25 Q. What impact?

MaeWden4

Bostick - Direct

1 A. Anxiety. Paranoid. Inability to concentrate. Inability
2 to sleep. Inability to work.

3 Q. Why did you have an inability to work?

4 A. Because I was trying to manage this and figuring out what
5 to do and reading these texts and being concerned if he was
6 really going to act on what he was saying he was going to do.
7 Was he outside? Was I really following me? Was he going to
8 stop? When was this going to stop? You know, so it was hard
9 to really focus on anything else.

10 Q. Was this also -- withdrawn.

11 Ms. Bostick, what borough were you living in between May
12 2020 to September 2020?

13 A. Manhattan.

14 Q. And did you receive at least some of the text messages
15 we've been discussing here today while you were at your
16 apartment in Manhattan?

17 A. All of them.

18 Q. Did there come a time later in September of 2020 when you
19 took additional steps in response to the defendant's messages
20 to you?

21 A. Yes. I ultimately decided it would be best for me to leave
22 the state for a bit until I got more clarity on the situation,
23 where he was, if he was indeed following me, because although I
24 had security, I felt like a stalker knows your security's
25 habits, and they know when they're there and not there and

MaeWden4

Bostick - Direct

1 where they are, and if I'm ever out of their sight, be a
2 target. And I wasn't able to get comfortable, even with them
3 there. I was just always on edge. So I moved.

4 Q. And where did you move to? Without a specific address,
5 where did you move to?

6 A. Midwest.

7 Q. So you left the state?

8 A. Yeah.

9 Q. After you moved, did you continue to receive text messages
10 from the defendant?

11 A. Yes, many.

12 Q. Turning your attention to Government Exhibit 103-24, which
13 is in evidence, and do you see this text message from the
14 defendant?

15 A. Yes.

16 Q. When was it sent?

17 A. October 5, 2020.

18 Q. Can you please read this message aloud?

19 A. "You just did not know that God intends for you to be a
20 biblical symbol through these unholy times, at this point
21 beyond either of our control."

22 Q. And the text message on the next page, can you read that
23 one as well?

24 A. "Did I not advise you to be careful? Just another Black
25 man's advice, right?"

MaeWden4

Bostick - Direct

1 Q. How did these text messages make you feel?

2 A. For the -- the first one, the biblical symbol, those always
3 creep me out the most because it just felt like he thought he
4 was acting through God and it was out of his control. So you
5 feel like God is telling you to do something, to hurt someone,
6 then nothing can stop you because you, the universe -- he feels
7 justified, because a higher purpose -- I always got that kind
8 of sense from the biblical symbol text, and he just said that a
9 lot. So that's what I got from that text.

10 This one, the "Black man's advice, right," I didn't -- that
11 didn't affect me, but "did I not advise you to be careful,"
12 just another threat that I need to be cautious, need to be
13 vigilant, yeah.

14 Q. And turning your attention to Government Exhibit 103-25,
15 what day was this text message sent?

16 A. October 5, 2020.

17 Q. I'm going to read it aloud: "You bring the truth and I
18 will bring my God's truth. Let's see what happens."

19 Was this another text message you received on the same day
20 as the other two you just discussed?

21 A. Yeah -- yes.

22 Q. And how -- what was your understanding of this text
23 message?

24 A. This one seemed more directed towards the smear campaign,
25 potentially, maybe the civil -- he sent several texts about

MaeWden4

Bostick - Direct

1 suing me and making me testify in court, and saying all these
2 things about me that weren't true. So I -- I interpreted it to
3 reference that.

4 MR. DENNIS: Your Honor, can we have the witness --
5 she just said -- identify what is the smear that she's
6 referring to or tarnishing of -- what exact -- I've heard it
7 many times, but what exactly was this smear?

8 THE COURT: All right. What did you mean by the smear
9 campaign?

10 THE WITNESS: Well, you say I didn't really graduate
11 from Georgetown Law School. You accused me of having
12 inappropriate relationships with colleagues. You said I
13 committed malpractice. You called me -- you said that all the
14 women at the women's conference would disown me once they knew
15 all the terrible things I did to you. You accused me of trying
16 to murder you. You accused me of sending police to your home.
17 Yeah -- over and over again.

18 MR. DENNIS: Your Honor, could I please -- could I
19 please -- would you please ask the court reporter to retain
20 that statement for cross-examination so she would be able to
21 read it back during the cross-examination?

22 THE COURT: Everything is retained.

23 MR. DENNIS: OK.

24 THE COURT: The record is there, but if what you mean
25 is that you'll ask the reporter to read back that answer at

MaeWden4

Bostick - Direct

1 some point during your cross --

2 MR. DENNIS: Yes.

3 THE COURT: -- I think that can be arranged.

4 MR. DENNIS: Thank you, your Honor.

5 BY MS. KUSHNER:

6 Q. Ms. Bostick, talking about this smear campaign, how are you
7 impacted by the threat of the defendant ruining your
8 professional reputation?

9 A. Well, it was very concerning because I've been -- I was a
10 model colleague to him. Whatever he asked me to do I helped
11 him with. I had to be perfect in my career to advance. There
12 was no room to make mistakes, and I -- you know, I treated him
13 nicely. So I didn't -- I didn't understand why he would want
14 to make threats to take that away from me based on baseless and
15 false claims. And when I -- and when I know the impact of
16 that, because one false statement no one knows is true, and so
17 I was concerned that to retaliate against me he would try to
18 publicly -- publicly spread lies.

19 Q. Why was there no room for you, in your view, to make
20 mistakes in your career?

21 A. No room? I mean I'm a woman. I'm a Black woman. I'm
22 younger. I work in a very male-dominated profession, where,
23 you know, I have a small stature, so there are always going to
24 be people who don't think I belong there, and that I did
25 something to get there; that, you know, it's not because of my

MaeWden4

Bostick - Direct

1 hard work and intelligence and grit. And so I think he knew --
2 well, he knows that. He's a Black man. He understands. And
3 so for him to play that card with me, it was painful. And I --
4 I didn't know if he would act on it because he definitely
5 threatened me a lot. I know he was going to sue the firm.
6 Yeah, he alluded to suing the firm. So I was just, you know --
7 it was a concern.

8 MR. DENNIS: Objection to the words "play that card
9 with me," unless the witness would like to explain that a
10 little further.

11 THE WITNESS: Sure.

12 THE COURT: Just a minute. Overruled.

13 Put another question.

14 BY MS. KUSHNER:

15 Q. Ms. Bostick, turning your attention to Government Exhibit
16 103-31, what is this?

17 A. "And 12 months to develop a biblical symbol."

18 Q. Who sent that message?

19 A. Mr. Dennis.

20 Q. To who?

21 A. Me.

22 Q. And what was the date of that message?

23 A. October 8, 2020.

24 Q. And what was your understanding of this text message?

25 A. That it had been about 12 months that he first started

MaeWden4

Bostick - Direct

1 texting me, asking me to, you know, respond and support him in
2 whatever issue he was facing. And 12 months, I had to respond,
3 so now it's going to be a biblical symbol.

4 Q. And turning your attention to Government Exhibit 103-34,
5 page 1, the first text message. Who is it from?

6 A. Mr. Dennis.

7 Q. Who is it to?

8 A. Me.

9 Q. And what date was it sent?

10 A. October 9, 2020.

11 Q. I'm going to read that aloud: "Do you still take the
12 train, LOL, to work?" What was your understanding of that
13 message?

14 A. Well, interpreting it along with other texts he sent, a few
15 days before saying he was going to follow me, indicate that he
16 knew my habits. And that he will follow me on the train.

17 MR. DENNIS: Objection. I don't think -- was there
18 ever any introduction that I knew Ms. Bostick's address?

19 Did you put up the text earlier?

20 THE COURT: Overruled.

21 BY MS. KUSHNER:

22 Q. Ms. Bostick, how did you commute to the office when you
23 were going in to the office?

24 A. Train.

25 Q. Turning your attention to Government Exhibit 103-37, did

MaeWden4

Bostick - Direct

1 the defendant send any of these text messages?

2 A. Yes.

3 Q. When?

4 A. October 10, 2020.

5 Q. I'm going to read them: "A biblical symbol and did not
6 even know it while I was watching you being set up. Well, now,
7 come to papa."

8 Do you recall receiving those messages?

9 A. Yes.

10 Q. Approximately what time of day would you have received
11 these messages?

12 A. At night, nine, 9 p.m., almost 10.

13 Q. And turning your attention to Government Exhibit 103-40,
14 page 1, just the first message, actually, who sent this
15 message?

16 A. Mr. Dennis.

17 Q. And when was it sent?

18 A. October 12, 2020.

19 Q. I'm going to read it aloud: "You better speak. I'm
20 getting annoyed with you today."

21 What did you understand this text message to mean?

22 A. This -- he sent several texts commanding me to speak, so I
23 just grouped it with that, you know. Trying to exert some
24 power or control over me, demanding that I speak. So I didn't
25 think about it further than that.

MaeWden4

Bostick - Direct

1 And then September, October, I was just getting so, so, so
2 many texts that it was just the series of texts that made it,
3 together, very harassing and intimidating.

4 Q. And turning your attention to Government Exhibit 105-72,
5 focusing on this text message, is this also from the defendant?

6 A. Yes.

7 Q. And who was it sent to?

8 A. Me and three other partners in the New York office.

9 Q. I'm going to read this message the defendant sent on
10 October 14, 2020: "Come on. We have at least another 12
11 months of this. You have to have a sense of humor to get
12 through it, right, cotton head? LOL."

13 Do you remember that text?

14 A. Yes.

15 Q. What was your understanding of it?

16 A. That he wasn't going to stop this harassment anytime soon,
17 saying at least another 12 months of him doing this to me.

18 Q. Were there also times when you understood the defendant to
19 be insulting your intelligence?

20 A. Yes.

21 Q. Turning your attention to Government Exhibit 107-4, the
22 text message at the bottom of the page, who is this sent from?

23 A. Mr. Dennis.

24 Q. Who was it sent to?

25 A. Me.

MaeWden4

Bostick - Direct

1 Q. Anyone else?

2 A. And I think seven other partners.

3 MR. DENNIS: Well, there are names there, but there's
4 no -- there's no numbers, so we don't know who it actually went
5 to.

6 Objection. Objection, your Honor.

7 THE COURT: I'll sustain that objection.

8 It was sent to you. Go on from there.

9 BY MS. KUSHNER:

10 Q. Who did you understand the defendant to be referring to as
11 cotton head?

12 A. Me.

13 Q. I'm going to read the message: "Cotton head, you do not
14 have to read too many big words, not enough pictures. It will
15 be tough going for you."

16 Do you remember receiving that message?

17 A. Yes.

18 Q. Is was it your understanding that this message was also
19 sent to other people at the law firm?

20 A. Yes.

21 Q. What was the date of this message?

22 A. September 28, 2020.

23 Q. Turning your attention to Government Exhibit 107-6, which
24 is a message the defendant sent on September 30, 2020,
25 approximately what time of -- actually, withdrawn.

MaeWden4

Bostick - Direct

1 Approximately what time of day, Ms. Bostick, would you have
2 received this message?

3 A. 9 p.m., 9:30.

4 Q. And were you the only recipient on this text message?

5 A. No.

6 Q. I'm going to read it aloud: "Cally, let's see who ends up
7 in prison first, you or me."

8 MR. DENNIS: Your Honor, can we have a sidebar on this
9 particular --

10 THE COURT: All right.

11 (Continued on next page)

MaeWden4

Bostick - Direct

1 (At sidebar)

2 MR. DENNIS: This is another text message where the
3 witness is aware that police were sent to my home and they
4 threatened to arrest me. So the context of that is who was
5 going to prison first, because the firm had already attempted
6 to send me.

7 THE COURT: If the question you're raising is does
8 this open the door to stuff that I previously excluded, I will
9 take that up during your cross. When you're ready to put a
10 question to that effect, come to the sidebar. At the moment,
11 though, I don't think we should be interrupting for something
12 that's related to cross.

13 MR. DENNIS: OK. OK.

14 (Continued on next page)

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MaeWden4

Bostick - Direct

1 (In open court)

2 BY MS. KUSHNER:

3 Q. Do you recall receiving the text message on the screen in
4 front of you, which is Government Exhibit 107-6?

5 A. Yes.

6 Q. And how did this text message make you feel?

7 A. Just going back to this threat of smear campaign, because I
8 knew there was nothing I did that could land me in prison, the
9 only thing I thought he'd be getting at is that he would try to
10 make false statements about me that would make me end up in
11 prison. So this just went to kind of overall harassment and
12 was trying to intimidate me with falsehoods.

13 Q. And turning your attention to Government Exhibit 103-34,
14 are these two text messages the defendant sent you on October
15 9, 2020?

16 A. Yes.

17 Q. Approximately what time of day would you have received
18 these messages?

19 A. Four, 4 a.m.

20 Q. I'm going to read the bottom text message: "As I shared
21 with you earlier, as you go through experience people -- as I
22 shared with you earlier, as you go through experience, people
23 will think the worst about you. Look at how you view me. But
24 if you keep your head up, the two years go by quickly and make
25 you tougher."

MaeWden4

Bostick - Direct

1 And turning your attention to page 2, the first message,
2 "unless I am successful getting you incarcerated the maybe
3 three to four years."

4 Do you recall receiving these two text messages?

5 A. Yes.

6 Q. And who sent them to you?

7 A. Mr. Dennis.

8 Q. How did they make you feel?

9 A. The first text was concerning because he mentioned two
10 years, two more years of it. So I would just hope by this time
11 that he would tire of sending me this barrage of texts, but he
12 let me know that he was planning to keep this up for the next
13 two years, so that was -- that was concerning.

14 Q. And then --

15 A. Uh-huh.

16 Q. Go ahead.

17 A. This incarceration text goes to the last text, like he's
18 threatening to send me to prison for something I know I didn't
19 do, so it must have been because he thought he could make up
20 some lies about me. So I -- I took it as a threat for some
21 kind of smear campaign or some kind of negative publicity.

22 Q. And zooming back out on this exhibit, looking at the first
23 text message on the first page, the time stamp being UTC, the
24 first message is sent at 7:08 a.m. Second message was sent at
25 7:10 a.m. And the third message on the second page -- sorry.

MaeWden4

Bostick - Direct

1 I'm sorry. The first message on the third page was sent at
2 7:11 a.m. UTC time. So approximately what times were those for
3 you?

4 A. 4 a.m.

5 Q. And was this the only time the defendant sent you text
6 messages within minutes of each other?

7 A. No. He did it often. It was always back to back when he
8 was on it. It would be between five and hundreds of texts a
9 day. Maybe he would take a day or so off. But whenever he
10 was, like, fired up on texts, it was always like back to back
11 to back.

12 Q. And Ms. Bostick, did you ever respond to any text messages
13 from the defendant in 2020?

14 A. At no time.

15 Q. Turning your attention to Government Exhibit 103-35, page
16 2, are these text messages the defendant sent you?

17 A. Yes.

18 Q. What day?

19 A. October 9, 2020.

20 Q. I'm going to read portions of the top two text messages
21 aloud: "At least we have time to discuss while I'm drafting my
22 complaint. Thanks for that as well. I will make sure you get
23 a prominent role. For the younger women attorneys, you will be
24 a biblical lesson."

25 Do you recall receiving those messages?

MaeWden4

Bostick - Direct

1 A. Yes.

2 Q. What was your understanding of them?

3 A. He was just continuing to, to state that he's going to
4 include me in a complaint, must have been baseless claims, so
5 kind of negative publicity for me. And then the biblical
6 lesson, you know, same as I discussed, going back to making an
7 example out of me through some command of God.

8 Q. And turning your attention to Government Exhibit 103-38,
9 are these more text messages the defendant sent you?

10 A. Yes.

11 Q. What date did he send them?

12 A. October 10, 2020.

13 Q. I'm going to read them both aloud: "Wait until I take your
14 deposition. Trash."

15 What was your understanding of these messages?

16 A. That because I, you know, wasn't supporting him or
17 responding to him, he was going to make me a subject of the
18 lawsuit, the one, I guess the one he had against the firm.

19 And then the trash was, you know, just intended to demean
20 me and -- yeah. Just intending to belittle me and demean me.

21 MS. KUSHNER: Mr. Magliocco, you can take this down.

22 Q. Ms. Bostick, did there come a time when you moved back to
23 Manhattan?

24 A. Yes.

25 Q. And approximately when was that?

MaeWden4

Bostick - Direct

1 A. November 2020.

2 Q. And without referencing any discussions you may have had
3 with other people, why did you move back?

4 A. Because I understood that Mr. Dennis was not in Harlem and
5 not in the state.

6 Q. And turning your attention -- did the defendant continue to
7 send you text messages in November of 2020?

8 A. Yes.

9 Q. Turning your attention to Government Exhibit 107-32, the
10 first text message at the top of this page, who is this from?

11 A. Mr. Dennis.

12 Q. And were you one of the recipients of this text message?

13 A. Yes.

14 Q. Were you the only recipient?

15 A. No.

16 Q. What's the date of this message?

17 A. November 25, 2020.

18 Q. I'm going to read it. "Cally, we are coming for you."
19 Remember receiving that message?

20 A. Yeah.

21 Q. How did that make you feel?

22 A. That he was after me, that he could hurt me.

23 Q. Ms. Bostick, I think you alluded to this earlier, but did
24 the defendant ever send you text messages accusing you of
25 things in your personal life?

MaeWden4

Bostick - Direct

1 A. Yes.

2 MR. DENNIS: Objection, your Honor.

3 THE COURT: Overruled.

4 BY MS. KUSHNER:

5 Q. What types of things did he accuse you of?

6 A. Said a lot of derogatory texts about sleeping with guys;
7 being on patrol for guys to have sex with them -- in more
8 explicit terms; sleeping with guys at the firm.

9 MR. DENNIS: Objection.

10 THE COURT: Overruled.

11 A. That's about the nature of the texts.

12 Q. And Ms. Bostick, did the defendant continue to text you in
13 early 2021?

14 A. Yes.

15 Q. Showing you what's been marked as Government Exhibit
16 107-56, page 2, do you see the text message at the bottom?

17 A. Yes.

18 Q. Who is it from?

19 A. Mr. Dennis.

20 Q. Who is it to?

21 A. Me and others.

22 Q. And when was it sent?

23 A. January 13, 2021.

24 Q. I'm going to read it aloud: "But Cally, sleep with one eye
25 open."

MaeWden4

Bostick - Direct

1 Do you remember receiving that text message?

2 A. Yes.

3 Q. How did it make you feel?

4 A. Made me feel like he wanted to intimidate me. He wanted me
5 to be scared, because this is -- he's telling me to be cautious
6 and be vigilant because I could be in danger, and that's --
7 that's how I took it.

8 Q. And did you do anything in January of 2021 as a result of
9 the text messages you were receiving from the defendant?

10 A. Yes, I moved from Harlem.

11 Q. Without saying where -- well, withdrawn.

12 Why did you move?

13 A. Because he clearly still had me -- he still was fixated on
14 me, obsessed with seeking out some retaliation against me. And
15 I didn't know when and if he was going to come back to Harlem,
16 so I still felt in danger. And even if he didn't move back to
17 Harlem, I felt like I'd been in that apartment for 13, 14 years
18 at that point, so I knew my address was probably public. So I
19 wanted to go someplace where he couldn't easily find my address
20 and where I wouldn't, you know, maybe run into him as easily on
21 the street. But, you know, I was still very -- I was back in
22 the city, but I was still very afraid.

23 Q. Did you want to move?

24 A. No. I loved that apartment.

25 Q. You said you lived there for 13 or 14 years?

MaeWden4

Bostick - Direct

1 A. No, I did not want to move. I loved that apartment.

2 Q. Would you have moved but for the messages you were getting
3 from the defendant?

4 A. No.

5 Q. Do you currently own your place, or do you rent?

6 A. Rent.

7 Q. Why do you rent?

8 A. Because my return to New York was temporary. I wanted to
9 see what happened with this situation and if I remained
10 vulnerable to him and the focus of him, in danger. So renting
11 to see if I need to move.

12 Q. Ms. Bostick, to this day, what, if any, impact do the
13 defendant's messages continue to have on you?

14 A. Made me very distrustful of people, because we weren't
15 close friends, but we had a personal relationship, so for him
16 to just turn on me that way hurt. And when I get texts from
17 people that I didn't authorize to text me, I get really
18 anxious.

19 Our clients love to text. If you call them from your cell
20 phone number, they'll just go ahead and text you, and I'm very
21 uncomfortable with that, particularly if it's a man. And just,
22 you know, certainly anxious, but -- yeah.

23 MS. KUSHNER: One moment, your Honor?

24 THE COURT: Cross-examination.

25 MS. KUSHNER: Just one moment.

MaeWden4

Bostick - Direct

1 THE COURT: Oh, I'm sorry.

2 MS. KUSHNER: No further questions.

3 THE COURT: Cross-examination.

4 CROSS-EXAMINATION

5 BY MR. DENNIS:

6 Q. Good afternoon, Cally.

7 A. Hello.

8 Q. Cally, you work at an international, global law firm?

9 A. I do.

10 Q. And in that law firm you have access to a tremendous amount
11 of resources and information, correct? You have access to a
12 tremendous amount of resources and information, correct?

13 A. Legal resources?

14 Q. Legal resources, investigative resources. Resources.
15 Well, you can define it however you want.

16 A. Yeah, legal resources, I guess.

17 Q. OK. So I take it that you were not aware -- or I'm asking,
18 were you aware that I fled the United States in March of 2020
19 and did not return until November 16, when I was arrested by a
20 department of Dominican police officers?

21 MS. KUSHNER: Objection.

22 Q. Were you aware --

23 MS. KUSHNER: Objection.

24 THE COURT: Well, the problem with the question, aside
25 from possible other problems, is it's a compound question, and

MaeWden4

Bostick - Direct

1 you're introducing many subparts, including certain things that
2 are close to you testifying. So if you want to ask a simple
3 question, such as were you aware that I fled the United States
4 in March of 2020, that question I would allow.

5 BY MR. DENNIS:

6 Q. Were you aware that I fled the United States in March of
7 2020?

8 A. No, I was not.

9 Q. Were you aware that I did not return to the United States
10 until November 16 of 2021?

11 A. No, I was not.

12 Q. All right. All right.

13 Cally, what year did you start at the firm?

14 A. Two thousand -- summer associate 2005; full-time associate
15 2006.

16 Q. And when you arrived at the firm as a summer associate, was
17 I a partner at the firm?

18 A. You were not there at the time.

19 Q. So when you returned as a junior associate, as a first-year
20 associate, was I a partner?

21 A. You lateraled over as a partner.

22 Q. And so, I came over as a partner, and what year did you
23 make partner?

24 A. 2015.

25 Q. So you came to the firm -- let's get the dates right --

MaeWden4

Bostick - Direct

1 2006, and you became a partner in 2015, so nine years later,
2 correct?

3 A. Yup.

4 Q. OK. During those years, did I take you to breakfasts,
5 lunches, and dinners with clients of mine and other
6 professionals?

7 A. We went to lunch. We went to lunch. We went to dinners.
8 I do not recall breakfast. That does not mean it didn't
9 happen, but perhaps.

10 Q. OK. So you recall that we went to dinners and we went to
11 lunches?

12 A. Yes.

13 Q. And during those dinners and during those lunches, did I
14 introduce you to existing clients of the firm?

15 A. Some existing, but mostly potential.

16 Q. So that's the next question. Did I introduce you to
17 potential clients as well?

18 A. You did.

19 Q. How important is having clients to a partner of a firm?

20 A. It's an element of making partner, not dispositive.

21 Q. OK. That's fine. OK.

22 When you became a partner, did I provide you with any
23 clients? Did I introduce you to clients for yourself?

24 A. You made introductions, yes.

25 Q. OK. Did John George's wife become a client of yours?

MaeWden4

Bostick - Direct

1 A. She -- you brought her in. I got some credit for very,
2 very small matters.

3 Q. OK.

4 A. Yes.

5 Q. OK. So there were some small matters in which you got
6 small, small credit?

7 A. Correct.

8 Q. OK. OK. Were there any people that I introduced you to
9 who helped expand your visibility within the legal community?

10 A. Yes.

11 Q. Could you name -- could you name someone?

12 A. I don't know if they want to be named in this trial, but AT
13 the conference we went to every year, you made introductions
14 there, particularly the organizer of the conference. I met her
15 through you. And there were other people.

16 Q. OK. What was the name of the conference?

17 A. CCWC.

18 Q. Which stands for?

19 A. Corporate Counsel Women of Color.

20 Q. And can you describe for the jury what that organization
21 is?

22 A. It's an organization of diverse female attorneys that
23 attempts to help them have a network and get the resources they
24 need to succeed in big law and in-house.

25 Q. And how large is that organization?

MaeWden4

Bostick - Direct

1 A. I don't know. Probably a thousand members.

2 Q. Can you describe the firm's commitment to the organization?

3 A. I cannot.

4 Q. Can you describe how many attorneys went to the conference
5 every year?

6 A. I don't have that data. I would -- I can speculate.

7 Q. Yeah, please speculate.

8 MS. KUSHNER: Objection, your Honor.

9 THE COURT: Sustained.

10 BY MR. DENNIS:

11 Q. Can you name -- so did you go every year to the conference?

12 A. I did.

13 Q. Did any other partner -- were there any other women
14 partners who went every year?

15 A. Were there any other women partners?

16 Q. Women partners who went to the conference every year.

17 A. And to clarify, I went every year for a portion of my
18 career. I didn't go my entire career, but there were other
19 women partners that went every year as well.

20 Q. OK. And what was the firm's investment in the conference?

21 A. In terms of dollars?

22 Q. Yeah.

23 A. I don't know.

24 Q. When you would go to the conference, how would you -- what
25 would be the process you would have to go through in order to

MaeWden4

Bostick - Direct

1 attend in terms of getting your expenses paid?

2 A. Could you explain that question?

3 Q. How would you get your expenses paid for by the firm? What
4 would be the process?

5 A. I would ask my personal assistant to submit it for
6 reimbursement.

7 Q. Who would she submit it to?

8 A. I have no idea.

9 Q. You have no idea who your personal --

10 A. No. I guess the executive committee, the office itself. I
11 don't know.

12 Q. Did you ever talk to John Bicks about the conference?

13 MS. KUSHNER: Objection.

14 A. I'm sure I did. Of course.

15 THE COURT: When there's an objection, you need to
16 wait for me to rule.

17 THE WITNESS: OK.

18 THE COURT: Anyway, we'll let it go.

19 BY MR. DENNIS:

20 Q. OK. What would be the -- what would you -- what did you
21 share with John about the conference?

22 A. In general, when it was, what our plan was when we got
23 there, who we met once we got back.

24 Q. Just to repeat, so with John, you would share who you met
25 with and you'd give him a report when you returned?

MaeWden4

Bostick - Direct

1 A. We were encouraged to do that because we wanted to show it
2 was a good investment for the firm. So he would encourage me
3 to send emails to office management, explaining to them exactly
4 what we did, how we benefitted from going.

5 Q. Did John have an interest in understanding?

6 MS. KUSHNER: Objection.

7 A. I have no idea.

8 Q. You have no idea. OK.

9 THE COURT: Sustained. Put a new question.

10 BY MR. DENNIS:

11 Q. On your web -- can you name some of the companies that were
12 there, that would be at the conference?

13 MS. KUSHNER: Objection.

14 THE COURT: Sustained.

15 BY MR. DENNIS:

16 Q. I'm looking at your web bio here. And did you speak at the
17 conference on -- did you speak at the conference on four
18 different occasions?

19 A. I did, because it's a women's conference, and the firm
20 wanted to, being you, wanted to make sure that a Black woman
21 spoke at the conference we were sponsoring, so I did.

22 Q. Is that part of me trying to encourage you to have
23 visibility in the legal community?

24 A. Or trying to bring in business through me. I'm not sure.

25 Q. Not sure. OK. I just want to make sure that these were

MaeWden4

Bostick - Direct

1 the -- these were the different things that you spoke at; I
2 want to confirm it: CCWC career strategy; elements of mergers
3 and acquisitions transactions; CCWC career strategy
4 conferences; strategy for surviving a merger and acquisition;
5 CCWC career strategy conference, M&A lessons, in-house counsel
6 and outside counsel perspective; CCWC career strategies
7 conference, M&A trends. Sounds like a really impressive -- it
8 must've been -- was it -- was the group of attorneys listening
9 to you an impressive group of attorneys?

10 MS. KUSHNER: Objection.

11 BY MR. DENNIS:

12 Q. Or can you describe the audience that heard you speak at
13 these conferences?

14 MS. KUSHNER: Objection.

15 THE COURT: Sustained.

16 MR. DENNIS: Your Honor, can we have a sidebar?

17 THE COURT: All right.

18 (Continued on next page)

MaeWden4

Bostick - Direct

1 (At sidebar)

2 THE COURT: For starters, you're reading from
3 something not in evidence, which I've tried to explain to you
4 is not proper. And then you're putting a question to the
5 witness about something that was said and something not in
6 evidence. So I don't even have to reach the issues of
7 relevancy or anything else. It's improper on its face.

8 (Continued on next page)

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MaeWden4

Bostick - Direct

1 (In open court)

2 BY MR. DENNIS:

3 Q. So, Cally, were you aware or are you aware that I was
4 suspended from the firm on January 30, 2019?

5 A. No. I heard about it later. Probably was, like, May.

6 Q. You heard about it in May?

7 A. Yeah.

8 Q. Cally, how many attorneys are in the New York office?

9 A. I'm not sure. I would say around -- between 70 and 80.

10 Q. 70 and 80. Comprised over how many floors?

11 A. Three.

12 Q. Three floors. Did you see me in the office after January
13 30?

14 A. I don't remember.

15 Q. So you did not realize that I had been suspended until May
16 30?

17 A. Yeah. Actually, as a matter of fact, I think you were
18 still sending emails.

19 Q. No, we're not -- I asked you if you knew I had been
20 suspended.

21 A. I did not.

22 Q. Had you seen me in the office between January --

23 A. I didn't see you hardly ever in the office. We were on
24 different floors, and I just didn't see you often, so not
25 seeing you wasn't abnormal.

MaeWden4

Bostick - Direct

1 Q. So I'm going to repeat the question again.

2 Cally, did you see me in the office in January -- in
3 February of 2019?

4 A. I don't remember.

5 Q. Did you see me in the office in March of 2019?

6 A. I don't remember.

7 Q. Did you see me in the office in April of 2019?

8 A. Not that I know of. I did not.

9 Q. OK. How did you find out that I was suspended? So when --
10 what's the date that you first recognized I was suspended?

11 A. I don't know the exact date. I believe it was around May,
12 though.

13 Q. May. How did you find out? How did you find out I was
14 suspended in May?

15 MS. KUSHNER: Objection.

16 THE COURT: I'll allow that.

17 A. Because prior to that, a few months before, you had been
18 sending a barrage of emails, making, you know --

19 Q. No. How did you find out -- when did -- who told you I was
20 suspended in May? Let's correct --

21 A. I believe -- I'm actually not sure who exactly told me, but
22 the office in general knew something was happening based on the
23 emails you sent.

24 Q. I'm not --

25 A. Someone -- maybe one of my friends in the office. I cannot

MaeWden4

Bostick - Direct

1 tell you which attorney said to me, by the way, Mr. Dennis was
2 voted out of the partnership. It was just people in the office
3 knew based on the emails that were going around, that you were
4 sending around to all of us. We knew something was happening.

5 Q. Cally, as a partner of an international, global law firm,
6 would you -- are you aware of the fact that there's a
7 partnership agreement that governs how that organization
8 operates?

9 A. Yes, but I'm not party to it.

10 Q. OK. So would you, in your professional experience,
11 understand that there had to be official action taken?

12 A. Yes, a vote.

13 Q. So with respect to a suspension, based on your professional
14 knowledge, would there have been official action taken?

15 MS. KUSHNER: Objection.

16 THE COURT: Hang on.

17 I think it is ambiguous. Sustained. You can rephrase
18 it, if you wish.

19 BY MR. DENNIS:

20 Q. I'd like to just -- we'll return to the period when you,
21 when you indicated you became aware that I was no longer
22 physically in the office. That was in May. Oh, can you tell
23 us what date that was?

24 A. I don't know the dates.

25 Q. Approximately.

MaeWden4

Bostick - Direct

1 A. I know I found out about the expulsion sometime in May. I
2 did not know about the suspension. This is actually the first
3 time I'm hearing about it. I did not know that you were
4 suspended prior to being expelled.

5 Q. OK. So -- and you don't remember how you -- and you don't
6 know who -- well, when did you first talk to somebody about
7 my -- who did you first talk to about my, let's say, expulsion?

8 A. I don't know who I first talked to. I would imagine one of
9 my close friends in the office. Maybe a colleague named Tara.
10 I don't remember, but I know that we were generally talking
11 about it once you started sending the emails. We knew
12 something was happening, so it was just a conversation that was
13 being had, like, what's happening here.

14 Q. That's great. I'm actually looking for -- this is a court
15 of law. I'm looking for actually not general knowledge, but if
16 you have no real knowledge, that's fine as well. Let's just
17 move on from that.

18 So after I was expelled from the firm, did you talk to
19 anyone in management about that?

20 A. After you were expelled -- about your expulsion?

21 Q. Yes.

22 A. I don't -- I can't see why I would have. No, I don't
23 believe so.

24 Q. OK. Cally, the current matter that you're testifying for,
25 how did you find out about this matter? How did this matter

MaeWden4

Bostick - Direct

1 begin, with your involvement?

2 A. Which? The harassment?

3 Q. This current, this current, this legal action that's going
4 on right now. This court proceeding. How -- when did you
5 become involved with this?

6 THE COURT: It's unclear to me whether you're asking
7 when did she first have contact with the FBI, or someone like
8 that, or whether you're asking when did she first learn she
9 would be called as a witness. I wasn't clear what you were
10 asking.

11 MR. DENNIS: When was she first -- I didn't want to
12 lead her and say did she -- was she contacted by the FBI.

13 THE COURT: You can lead on cross.

14 BY MR. DENNIS:

15 Q. When did you contact the FBI about my threats?

16 A. I never directly contacted the FBI.

17 Q. OK. When did they contact you?

18 A. So, I got a lawyer, and my lawyer was looking to remedies
19 to protect me, and she may have contacted the FBI. If so, it
20 would have been when your threats to me escalated in late
21 August and September. That's likely when that happened.

22 Q. Would your lawyer have contacted the FBI without your
23 permission and -- without your permission and knowledge?

24 MS. KUSHNER: Objection.

25 THE COURT: Overruled.

MaeWden4

Bostick - Direct

1 A. No.

2 Q. So when did you give your lawyer the instructions to
3 contact the FBI?

4 A. I never instructed her to contact the FBI. I asked her to
5 help protect me in a situation that felt very precarious and
6 unsafe and threatening, and she relayed to me my remedies, what
7 I could possibly do, and asked me for consent to reach out to
8 the FBI to see if they can look into what was going on. And I
9 said sure.

10 Q. So --

11 A. I had -- and that was after a year of being harassed. I
12 did not --

13 MR. DENNIS: Your Honor, the witness has answered the
14 question.

15 THE COURT: No. I think that was directly responsive
16 to your question, so --

17 MR. DENNIS: Your Honor, what we're not getting is the
18 specificity.

19 THE COURT: No, no. Excuse me. To the contrary.

20 BY MR. DENNIS:

21 Q. What date did you --

22 THE COURT: You asked her whether she gave
23 instructions to her lawyer, and she gave you a very specific
24 response. She said she didn't instruct her lawyer to contact
25 the FBI *per se*, but she instructed her lawyer to help her

MaeWden4

Bostick - Direct

1 because of your threats, and then the lawyer asked her for
2 consent to contact the FBI and she said sure. That was a very
3 specific response.

4 MR. DENNIS: Thank you.

5 THE COURT: Directly responsive to your question.

6 MR. DENNIS: Thank you, your Honor.

7 Q. What date did you give your consent to the FBI, to your
8 lawyer to contact the FBI?

9 A. I cannot give you an exact date, but I know that it was in,
10 sometime in late August, early September, when you started
11 saying you were going to follow me and make me a biblical
12 symbol and --

13 (Continued on next page)

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MAEGden5

Bostick - Cross

1 MR. DENNIS: Okay. Thank you. I was just asking you
2 for a date.

3 Your Honor, can we have a sidebar, for a second.

4 THE COURT: I tell you what, I think this is probably
5 a good moment to give the jury their mid-afternoon break.

6 So ladies and gentlemen, we'll take a 15-minute break
7 at this time.

8 (Jury excused)

9 (Continued on next page)

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MAEGden5

(Jury not present)

THE COURT: You can step down. We will see you in 15 minutes.

Mr. Dennis, what is it that you wanted a sidebar about?

MR. DENNIS: Is --

THE COURT: The witness is gone. If you want it in private, we can go to the sidebar.

MR. DENNIS: Yes.

THE COURT: Come to the sidebar.

(Continued on next page)

MAEGden5

(At sidebar)

MR. DENNIS: The witness is now -- I see a pattern now, every time we ask a question -- maybe we need to have the reporter read it -- all I know is you started harassing me. When I ask her for a date, all I know is when you started harassing me. It's a tactic. She's been coached. And I'm trying to work my way through it.

THE COURT: There's no indication she's been coached. But you cut her off and I thought correctly cut her off when she went past the date and started staying some more. And I had no problem with your cutting her off at that point, so I didn't object.

MR. DENNIS: All right.

THE COURT: Okay.

We'll see you all in 15 minutes.

(Recess)

(Continued on next page)

MAEGden5

(In open court; jury not present)

THE COURT: Mr. Dennis, you have 35 minutes more.

Let me ask the government, assuming, which is clear, that we'll finish in another 45 minutes or so, is your other witness available?

MS. KUSHNER: Yes, your Honor.

THE COURT: We may be able to get to him.

(Continued on next page)

MAEGden5

Bostick - Cross

1 (Jury present)

2 THE COURT: Go ahead.

3 BY MR. DENNIS:

4 Q. I think we left off, Cally, where we were discussing when
5 you gave your attorney consent to contact the FBI. And could
6 you just repeat what your answer is so we're -- what your
7 answer to that question was.

8 A. I don't recall the exact date, but I know it was late
9 August, early September.

10 Q. Of which year, Cally?

11 A. 2020.

12 Q. Thank you.

13 And once you contacted the FBI, did you provide them with
14 any information or materials?

15 A. Copies of the thousand texts you had sent me.

16 Q. So in your instance -- and this is more -- you actually
17 contacted the FBI or your attorney contacted the FBI, I just
18 want to confirm that that's the testimony.

19 A. My attorney did, yes.

20 Q. And did your attorney provide information to the FBI, any
21 materials to the FBI?

22 MS. KUSHNER: Objection, asked and answered.

23 THE COURT: No, I'll allow that.

24 If you know.

25 THE WITNESS: I wasn't on the calls or meetings she

MAEGden5

Bostick - Cross

1 may have had with the FBI. I know -- I only know what I showed
2 the FBI.

3 BY MR. DENNIS:

4 Q. You only know what -- did you give information to -- we're
5 going to do this in two pieces -- did you give information to
6 your attorney that she may have given to the FBI without your
7 knowledge?

8 A. She had all the texts, copies of the texts you sent me.

9 Q. Did she give that to the FBI?

10 A. I don't know. I know that I gave them texts. I don't know
11 if she did.

12 Q. Did you give them the same texts that you gave your
13 attorney or did you give them different -- did you give them
14 the same texts you gave your attorney?

15 A. Yeah, they were the same texts.

16 Q. Did you give them emails? Did you provide the FBI with any
17 emails?

18 A. No, no.

19 Q. Once you were contacted by the FBI in, I guess we should
20 roughly say, August of 2020, who did you discuss this matter
21 with within K&L Gates?

22 A. Once I was contacted by the FBI, who did I discuss it with?
23 Well, I -- I spoke with the FBI in September. At that time, I
24 was communicating about this solely with the firm's general
25 counsel, who was overseeing security for the various lawyers

MAEGden5

Bostick - Cross

1 impacted by this harassment.

2 Q. So you were -- I just need to understand this to make
3 sure -- prior to the FBI contacting you, had you spoken to
4 anyone in the office about the intimidation and harassment and
5 the threats that you felt?

6 A. Yes.

7 Q. Who did you speak to?

8 A. I first alerted our -- the office managing partner, he told
9 me to speak about it exclusively with the general counsel
10 because it was attorney-client privilege and I should just
11 address it that way.

12 Q. We're going to go back again.

13 You spoke to the office managing partner -- in your
14 answers, can you give names. Who is the office managing
15 partner?

16 A. John Bicks.

17 Q. So you spoke with John Bicks about it. When was it you
18 spoke with John?

19 A. I believe June 2019 when you started telling me to watch
20 that movie and to delete texts. I think I alerted to him that
21 I was concerned about the texts you were sending.

22 Q. So you started talking to John about it in June of 2019?

23 A. Yes.

24 Q. And how many conversations did you and John have about this
25 situation?

MAEGden5

Bostick - Cross

1 A. Not many. I -- I saw it as a personnel issue that --

2 Q. Excuse me, I'm actually asking for a number.

3 A. Yeah.

4 Q. Was it two, three, four, five?

5 A. About that interaction in June?

6 Q. When you first felt threatened and you felt your life was
7 in danger, whenever you first felt that, what date was that,
8 when you first initiate --

9 A. That's a tricky question because, initially, in June, I
10 felt the office as a whole was in danger. I --

11 Q. I'm really -- Ms. Bostick, I'm asking when did -- you are
12 the victim here.

13 A. I am.

14 Q. So I know you are speaking for -- when did you first feel
15 intimidated and threatened is what I'm asking, not everyone
16 else.

17 A. At first I felt intimidated at our meeting in the deli, so
18 June.

19 Q. June of what year?

20 A. 2019.

21 Q. Did you alert Mr. Bicks at that time?

22 A. Yes. Which is about the same time in June --

23 Q. Thank you, thank you.

24 How many conversations did you have -- I just want to --
25 how many conversations did you have with Mr. Bicks since June

MAEGden5

Bostick - Cross

1 of 2019 about this issue?

2 A. About the harassment, he was on many texts --

3 Q. Ms. Bostick, I'm just looking for, was it five, ten?

4 A. More.

5 Q. It was many, many times?

6 A. To express my concerns about my safety.

7 Q. Okay. Thank you. I'm just trying to get -- because as the
8 jury may know, I'll be quite frank, Mr. Bicks has testified as
9 to how many conversations --

10 THE COURT: No. You do not comment on what any other
11 witness has said, as I have pointed out to you many times.

12 MR. DENNIS: Okay.

13 BY MR. DENNIS:

14 Q. Ms. Bostick, if we could just stick to -- we don't have a
15 lot of time. The judge has given us -- so I'm trying to be
16 really specific in terms of the information I'm trying to
17 elicit at this point.

18 So my question was --

19 THE COURT: I gave you the time you asked for.

20 MR. DENNIS: Right, but if she's not being --

21 THE COURT: No, no, no, I think.

22 BY MR. DENNIS:

23 Q. How many times --

24 THE COURT: I think we're moving along. Put another
25 question.

MAEGden5

Bostick - Cross

1 Q. How many times -- because we're -- how many times did you
2 state -- this is my freedom at stake -- how many times did you
3 talk to John Bicks about this?

4 A. So I cannot give you a number. I will tell you that for
5 the past --

6 Q. That's okay.

7 A. I cannot give you a number.

8 MR. DENNIS: Then withdraw the question, your Honor.

9 THE WITNESS: Okay.

10 BY MR. DENNIS:

11 Q. When did you first find out that Eric Cottle had also
12 been -- is also an alleged victim?

13 MS. KUSHNER: Objection.

14 THE COURT: I'll allow that.

15 But just so we're all on the same wavelength, if you
16 don't remember a specific date, give your best estimate of
17 approximately when.

18 THE WITNESS: Okay. Sometime between June in 2019 --
19 June and September of 2019.

20 BY MR. DENNIS:

21 Q. How many conversations have you had with Eric Cottle about
22 this matter?

23 A. Very few.

24 Q. Very few. Can you --

25 A. Maybe two.

MAEGden5

Bostick - Cross

1 Q. Maybe two conversations?

2 A. I don't -- yeah, few.

3 Q. Okay.

4 A. We don't talk very often.

5 Q. So you feel intimidated, you feel harassed, you feel
6 threatened, and you understand there's another person who feels
7 the same way, and yet, just to confirm, you guys have only
8 talked about it twice?

9 A. And so when you say this matter, I'm assuming you are
10 talking about the harassment that I felt. So I talked to
11 people that was in charge of security for the firm about it.

12 Q. That's okay. I don't -- I'm going to move it along --

13 A. Okay.

14 Q. -- because that's not information. I'm really -- I'm
15 trying to understand the conversations that you had with John
16 Bicks and Eric Cottle, and what you testified to is that you
17 have had two conversations --

18 THE COURT: Just put a question if you want to move it
19 along.

20 MR. DENNIS: You're right, your Honor. Let's move
21 this.

22 BY MR. DENNIS:

23 Q. The next question is: Did you talk to anyone else in the
24 firm about this matter?

25 A. So I talked to members of management.

MAEGden5

Bostick - Cross

1 Q. I'm just looking for -- can you name --

2 A. Yes.

3 Q. I'm sorry, can you name the persons who you talked to?

4 A. So I talked to the general counsel, Jeff Maletta.

5 Q. How many times did you talk to Jeff Maletta?

6 A. About concerns for my safety, many times. Especially when
7 it was escalating. I wanted the firm to get ahold of it,
8 control of it.

9 Q. So you spoke to Jeff Maletta many, many, many times?

10 A. Yes.

11 Q. Okay. Who else?

12 A. John Bicks, initially. But again, I was advised to only
13 speak to Jeff Maletta about it, which is what I did. I spoke
14 to people at the firm that are -- not just colleagues, but
15 friends of mine.

16 Q. That's fine. I'm just looking for people at K&L Gates, so
17 we'll move that along.

18 With respect to -- did John Bicks, in your conversations
19 with John Bicks, did he offer any solutions or any sort of
20 actions that he could take in order to ensure your protection?

21 A. Actions that John Bicks could take?

22 Q. As the office managing partner of the New York office, yes.

23 A. No. I knew that the office had security. But no, he
24 didn't offer any other solutions. Again, he directed me to
25 work through my issues with Jeff, my concerns with Jeff.

MAEGden5

Bostick - Cross

1 Q. So let me understand this right. You felt threatened, you
2 felt like your life was in danger, and he directed you to work
3 with Jeff Maletta who is in Washington, DC?

4 A. Yes.

5 Q. With respect to your testimony today, have you spoken to --
6 did you speak to Jeff Maletta prior to testifying today?

7 A. No.

8 Q. Have you spoken to Eric Cottle?

9 A. No.

10 Q. Have you spoken to John Bicks?

11 A. About my testimony?

12 Q. That you were going to testify here?

13 A. No.

14 Q. Now, let's just confirm, what floor are you on in the New
15 York office?

16 A. I'm on the 32nd floor.

17 Q. What floor is John Bicks on?

18 A. 31st floor.

19 Q. What floor is Eric Cottle on?

20 A. 33rd floor.

21 Q. So are you aware of any actions that the firm may have
22 taken in order to protect your security and make sure that you
23 were safe?

24 A. Yes.

25 Q. Tell me official actions, any official actions that they

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Bostick - Cross

1 have taken.

2 A. With security at my apartment, with --

3 Q. So you have -- just to make it clear, they hired security
4 for your apartment?

5 A. Yes.

6 Q. What else?

7 A. They helped me with my move.

8 Q. Okay.

9 A. They helped me with my move from Harlem.

10 Q. Did they ever suggest reporting this to the New York City
11 Police Department?

12 A. No.

13 Q. You testified earlier how you were getting ready in case --
14 allegedly, I was coming for you, so I want to --

15 THE COURT: Just put a question.

16 MR. DENNIS: Okay, I got it. Okay, your Honor. We'll
17 move on.

18 BY MR. DENNIS:

19 Q. Just to clarify, they never suggested there should be any
20 sort of contact with any law enforcement agency by you with
21 regard to your threats?

22 A. So I hired a lawyer when I felt threatened, so I got my
23 legal advice from my lawyer.

24 Q. Thank you.

25 But I'm talking about, you are a partner of K&L Gates, so

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1 I'm really talking about the firm itself. So there was no
2 recommendation from them that you go to the New York City
3 Police Department, for example?

4 A. No, they never recommended -- referred me to the New York
5 police department.

6 Q. Cally, are you aware or did you know that K&L Gates hired a
7 security team to attend the corporate counsel of women
8 conference in September of 2019?

9 MS. KUSHNER: Objection.

10 MR. DENNIS: Your Honor, I have with me, which was in
11 the file --

12 THE COURT: No, no, no. I'm sorry. I'm just looking
13 at the question.

14 I'll allow that.

15 THE WITNESS: Yes, I knew the firm hired security for
16 the attorneys.

17 BY MR. DENNIS:

18 Q. I'm sorry?

19 A. I knew the firm hired security for the attorneys at the
20 conference.

21 Q. Were you one of the attorneys at the conference?

22 A. Yes.

23 Q. So this was another action that the firm took to protect
24 you?

25 A. Yes.

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1 Q. Thank you.

2 And at this conference, how many women attorneys were
3 there, approximately?

4 A. Maybe a thousand. I don't know.

5 Q. Maybe a thousand, okay.

6 These women attorneys, were they made aware that there were
7 armed men walking amongst them during the conference?

8 MS. KUSHNER: Objection.

9 THE COURT: Sustained.

10 Irrelevant.

11 MR. DENNIS: Okay. Let's see if I can --

12 BY MR. DENNIS:

13 Q. So you were aware that there were armed men walking among
14 the conference to protect you?

15 MS. KUSHNER: Objection.

16 THE COURT: I'll allow that.

17 A. I don't -- I was not aware if they were armed or not.

18 MR. DENNIS: Your Honor, can I have the government
19 take a look at this email that was sent that I'd like to have
20 Ms. Bostick review.

21 MS. KUSHNER: Your Honor, no objection to the witness
22 seeing it, but we have a hearsay objection.

23 THE COURT: Well, let me see.

24 So Mr. Dennis, are you seeking to offer this document?

25 MR. DENNIS: Yes, I am, your Honor.

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1 THE COURT: I need a one or two word statement,
2 because otherwise we'll have to have a sidebar. Are you
3 offering it as potential impeachment, are you offering it as,
4 in your view, relevant to one of the substantive issues, which
5 is it?

6 MR. DENNIS: I think on both, at this point, your
7 Honor.

8 THE COURT: Well, then, I'm sorry, we'll meet at
9 sidebar.

10 (Continued on next page)

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Bostick - Cross

1 (At sidebar)

2 THE COURT: So most of this is, just for the record,
3 an email from Laurie Robinson, who you may be calling --

4 MR. DENNIS: Mm-hmm.

5 THE COURT: -- to a variety of people, including
6 Ms. Bostick. And it's about the K&L Gates security team being
7 sent to the conference and Ms. Robinson's response, which goes
8 on for several pages. This is all hearsay. It may or may not
9 be hearsay coming from Ms. Robinson, if she testifies. But as
10 to this witness, it's hearsay. It's an out-of-court statement
11 made by someone else being offered for its truth. That's why I
12 asked you what the purpose was.

13 MR. DENNIS: Well, I was actually --

14 THE COURT: So it's not going to be allowed as an
15 exhibit. However, arguably, there could be a question put to
16 this witness as to whether this refreshes her recollection
17 about what she understood at the time about the security, that
18 would be arguably impeachment. So what I will allow you to do
19 is if you want to show this document to the witness and then
20 without reading from the document, put some more questions
21 about the conference.

22 MR. DENNIS: Okay.

23 THE COURT: That I will allow.

24 MR. DENNIS: Okay.

25 (Continued on next page)

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Bostick - Cross

1 (Jury present)

2 THE COURT: Take a look at this exhibit, which is not
3 in evidence, but is being shown to you to see if it generates
4 any further reflection, any further recollection on what you
5 may have known or understood at the time of this conference
6 that the last few questions have been about. So after you have
7 read it to yourself, put it aside and then we'll have questions
8 from counsel.

9 Okay.

10 THE WITNESS: Yes.

11 THE COURT: You can take it back.

12 MR. DENNIS: Can I approach the bench.

13 BY MR. DENNIS:

14 Q. So, Cally, I think we had left off about a security
15 measure, any security measures that K&L Gates had taken to
16 protect you. Can you describe -- will you describe the
17 security measures taken in September of 2019 at the Corporate
18 Counsel Women of Color conference?

19 A. The firm hired security to protect the women lawyers at K&L
20 Gates that were attending the conference.

21 Q. And where was the conference located?

22 A. Chicago, I believe.

23 Q. Do you know the name of the security company?

24 A. I don't.

25 Q. What information did Mr. Maletta provide you about the

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1 security that he was hiring?

2 A. Just that he was looking to get permission to have security
3 for us because many of us did not feel safe attending. So that
4 was a measure to make us feel more comfortable going.

5 Q. Did Mr. Maletta come to Chicago?

6 A. You know, I don't remember.

7 Q. You don't remember?

8 A. I don't remember.

9 Q. Okay. In your prior years, had the firm ever hired
10 security for the conference?

11 A. Not to my knowledge.

12 MR. DENNIS: Your Honor, I would like to have the
13 government review this.

14 MS. KUSHNER: The government has the same hearsay
15 objection.

16 THE COURT: You want to offer this?

17 MR. DENNIS: Yes.

18 THE COURT: It's hearsay.

19 MR. DENNIS: No, I would like the witness to review it
20 so I can just --

21 THE WITNESS: Do I review it?

22 THE COURT: I'm sorry, is this a different one?

23 MR. DENNIS: Yes.

24 THE COURT: I'm sorry, I thought it was the same one.
25 Let me see it, then.

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1 This, again, is hearsay. But the witness may review
2 it to see if it refreshes her recollection as to any further
3 elements of what you've been asking her about.

4 THE WITNESS: This is the same -- these are the same
5 emails from the last one, yeah. Okay. Okay.

6 MR. DENNIS: May I -- should I come to the --

7 THE COURT: Okay.

8 BY MR. DENNIS:

9 Q. I want to ask, again, to your knowledge or -- did Jeff
10 Maletta expect to -- did he inform you that he expected to be
11 in Chicago for this conference and to work with the security,
12 to be in Chicago?

13 A. Yes.

14 Q. And his purpose for being in Chicago was to --

15 A. Was to meet with security.

16 Q. So the general counsel of an international global law firm
17 had flown to Chicago, where there were 800 women, to meet with
18 security --

19 A. Yes.

20 Q. -- for the conference?

21 A. Yes.

22 Q. Question: Did you inform any of the other attendees that
23 additional security was being hired for the conference?

24 MS. KUSHNER: Objection.

25 THE COURT: Sustained.

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Bostick - Cross

1 MR. DENNIS: Your Honor, for this particular question,
2 the question is relevance. And the relevance is Ms. Bostick
3 has testified repeatedly as to her not understanding certain of
4 my texts and biblical references. And this piece of evidence
5 or this conversation relates to the fact that these women, 800
6 women, had given her a tremendous amount of business and
7 attention, and she let armed guards walk around them and not
8 tell them.

9 THE COURT: This is all stuff you have indicated
10 previously, so I took it into account. And I still believe
11 that this document and the questions -- the question you just
12 most recently put is totally irrelevant to any issue in this
13 case. So please go on.

14 MR. DENNIS: I'd just like to call to the Court's
15 attention that this email is dated the same time in which the
16 government --

17 THE COURT: No, this email is not in evidence. Don't
18 talk about what it's dated. It's not in evidence.

19 MR. DENNIS: This incident occurred, this incident,
20 which we all agree -- I guess Ms. -- she was at the
21 conference -- occurred in September of 2019. And she has,
22 through testimony, said she knew --

23 THE COURT: Look, I've ruled. If you have a further
24 proffer, you can make it at the sidebar. I'm happy to hear
25 you.

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1 MR. DENNIS: Thank you, your Honor.

2 THE COURT: Otherwise, please bear in mind that you
3 have seven more minutes.

4 MR. DENNIS: Okay, your Honor.

5 Can we call up -- I think it was the text message from
6 May of 2020 that we showed earlier. It was a reference to god.
7 It's the reference where it says god is speaking to the world.

8 BY MR. DENNIS:

9 Q. Ms. Bostick, were you aware when I sent you this text
10 message that COVID was rampant in New York at the time?

11 A. Yes.

12 Q. Could that have been the context in which that message
13 was --

14 Okay.

15 MR. DENNIS: I'm not going to go through, your Honor,
16 because I know we don't have -- I am not going to go through
17 each and every text and show alternative interpretations.

18 BY MR. DENNIS:

19 Q. So, Cally, were you -- in addition to the surveillance team
20 that was hired to go to Chicago, are you aware of any other --
21 at this point, any other activities that were carried on by the
22 firm to protect you?

23 A. There was security at our office building, at least before
24 the pandemic. And then just the other matters that I told you
25 about before by getting me security, helping me get security,

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1 the lawyer and the moves.

2 Q. Okay. And Cally, just to sort of cover a few more issues,
3 have you ever met my sons? Have you ever met my children?

4 A. Ever met your children?

5 Q. Yeah.

6 A. I don't recall meeting them. But it's very possible that
7 one day you had them in the office. But I've never had a
8 conversation or I don't recall meeting your children.

9 MR. DENNIS: Your Honor, no more questions.

10 THE COURT: Any redirect?

11 MS. KUSHNER: No, your Honor.

12 THE COURT: Thank you so much. You may step down.

13 Please call your next witness.

14 MS. SIMON: The government calls Gary Cobb.

15 GARY COBB,

16 called as a witness by the Government,

17 having been duly sworn, testified as follows:

18 THE DEPUTY CLERK: State your name and spell it slowly
19 for the record.

20 THE WITNESS: Gary Cobb, g-A-R-Y, C-O-B-B.

21 DIRECT EXAMINATION

22 BY MS. SIMON:

23 Q. Good afternoon.

24 A. Good afternoon.

25 Q. Where do you work?

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1 A. At the Federal Bureau of Investigation.

2 Q. Is that sometimes known as the FBI?

3 A. Yes.

4 Q. What is your title at the FBI?

5 A. I am a special agent.

6 Q. How long have you been a special agent with the FBI?

7 A. For about three and a half years.

8 Q. Prior to joining the FBI, what did you do?

9 A. I was in the United States Marine Corps.

10 Q. How long did you serve in the United States Marine Corps?

11 A. Eight years.

12 Q. Turning to your current position, what are your duties as a
13 special agent with the FBI?

14 A. My duties are to investigate violations of federal law.

15 Q. Are you on a particular squad?

16 A. Yes.

17 Q. What squad is that?

18 A. The violent crimes task force, C19.

19 Q. What kind of crimes do you investigate?

20 A. We investigate violent criminal acts. That includes adult
21 kidnappings, armed bank robberies, Hobbs Act robberies,
22 assassinations and murder for hire.

23 Q. Do the crimes that you investigate sometimes involve
24 threats?

25 A. Yes.

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1 Q. Generally, what techniques do you use in the course of your
2 investigations?

3 A. We sometimes conduct surveillance. We interview witnesses
4 and victims. And we also serve subpoenas.

5 Q. Have you received any specialized training in your capacity
6 as an FBI special agent?

7 A. Yes.

8 Q. Can you describe that training?

9 A. Yes. I attended the FBI academy at Quantico, also received
10 training on surveillance and on-the-job training through a
11 training agent.

12 Q. I want to turn now to your work on this case.

13 What role, if any, have you had in preparation for this
14 trial?

15 A. I just reviewed documents.

16 Q. What kind of documents did you review?

17 A. I reviewed text messages and a search history report.

18 Q. Were you involved in the investigation of Willie Dennis
19 specifically?

20 A. No.

21 Q. Did you review the records and other evidence you
22 mentioned -- excuse me, strike that.

23 Did you review all of the records and all of the evidence
24 collected during the course of the investigation of Mr. Dennis?

25 A. No.

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Cobb - Direct

1 Q. What did you review?

2 A. Just the text messages and the search report provided by
3 the case team.

4 Q. Let me direct you to Government Exhibit 113-1, which is
5 already in evidence.

6 I'll direct you to the timezone field.

7 MS. SIMON: Zoom in on that, please.

8 Q. Agent Cobb, can you read what's in the timezone field?

9 A. Yes. UTC minus 4:00, Santo Domingo (America.)

10 Q. Agent Cobb, have you identified a city by the name of Santo
11 Domingo in the timezone UTC minus 4:00?

12 A. Yes.

13 Q. What country is that city in?

14 A. The Dominican Republic.

15 Q. Turning your attention to Government Exhibit 112-1, which
16 is also in evidence.

17 Agent Cobb, you have a binder sitting in front of you.
18 Government Exhibit 112-1 is the last document in that binder.
19 I would like to draw your attention to it.

20 A. Okay.

21 Q. Agent Cobb, what does it say at the top of Government
22 Exhibit 112-1?

23 A. It says, searched items 519.

24 Q. What is this document?

25 A. This is a search history report for an electronic device.

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1 Q. What time period does this search history cover?

2 A. It covers July, October and November of 2020.

3 Q. Have you reviewed this document in preparation for your
4 testimony here today?

5 A. Yes.

6 Q. During the time period you just identified, approximately
7 how many web searches were performed for K&L Gates or some
8 version of that term?

9 A. Most of them.

10 Q. Approximately how many would you say?

11 A. I'd say approximately 500.

12 Q. Turning your attention to page 5, lines 135 to 138.

13 A. Yes.

14 Q. Can you please read the items -- strike that.

15 MS. SIMON: Actually, could you go back to the first
16 page for a moment. I apologize.

17 Q. What is the title of the fourth column, from the left to
18 the right, the fourth column?

19 A. I'm sorry, can you repeat the question.

20 Q. What is the title of the fourth column?

21 A. Value.

22 Q. Thank you.

23 Now, turning back to page 5, lines 135 to 138. Can you
24 please read the entries in the value column aloud.

25 A. Melissa Tea K&L Gates home phone number. 136, Melissa Tea

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1 K&L Gates home phone number. 137, Melissa Tea K&L Gates home
2 phone number. 138, Melissa Tea K&L Gates home phone number.

3 Q. And in the second column, what dates were those searches
4 on?

5 A. November 5th, 2020.

6 Q. And during what time period?

7 A. 4:56:16 a.m. to 4:41:16 a.m.

8 Q. Turning to page 11, line 304.

9 Can you please read the entry in the value column aloud.

10 A. Finding someone's home phone number.

11 Q. And can you please do the same for line 307.

12 A. Finding someone's home phone number.

13 Q. And what were the dates of both of those searches?

14 A. October 23rd, 2020, 6:17:48 a.m.

15 Q. Turning your attention to page 12, lines 318 to 325.

16 Can you please read the entries in the value column aloud.

17 A. Yes. 318, Jeff Maletta K&L Gates. 319, Jeff Maletta.

18 320, Jeff Maletta KL Gates. 321, Jeff Maletta. 322 Jeff

19 Maletta KL Gates. 323, Jeff Maletta. 324, Jeff Maletta KL

20 Gates. 325, Jeff Maletta.

21 Q. What dates were those searches performed on?

22 A. October 27th, 2020.

23 Q. What time period?

24 A. 12:10:31 p.m. UTC plus 0 to 12:23:31 p.m. UTC plus 0.

25 Q. Turning your attention to the bottom of page 16 and the top

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1 of page 17. Turning your attention to lines 453 to 459.

2 Can you plead read the entries in the value column aloud.

3 A. Yes. 453, KL Gates New York. 454, KL Gates new. 455, KL
4 Gates New York. 456, KL Gates new. 457, KL Gates New York,
5 458, KL Gates new. 459, KL Gates New York.

6 Q. What is the date for those searches in the date column?

7 A. October 7, 2020.

8 Q. And the time range?

9 A. From 9:56:16 p.m. UTC plus 0 to 9:58:38 p.m. UTC plus 0.

10 Q. Thank you.

11 Turning your attention to Government Exhibit 103-2.

12 Can you please read the name in the from line.

13 A. Willie Dennis.

14 Q. Can you please read the name in the to line.

15 A. Cally.

16 MR. DENNIS: Your Honor, objection. I'd like to bring
17 Cally back as a witness if he's going to be testifying through
18 text mails and she's not in the room. Because I have plenty of
19 other questions that I wanted to put to her. I consider this
20 testimony by her not being present --

21 THE COURT: No, this is an exhibit already in
22 evidence.

23 MR. DENNIS: I don't get a chance to question Cally --

24 THE COURT: So you could have inquired if you wished.

25 Overruled.

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1 BY MS. SIMON:

2 Q. Can you please read the timestamp in the bottom right
3 corner and then the body of the message.

4 A. Yes. May 27th, 2020, 3:38:49 a.m. UTC plus 0. Just sent
5 this to that racist punk ass John Bicks. No worries, John.
6 Many more black people are going to die as your punk ass
7 planned. So there will be a lot more material we can discuss
8 over the next year.

9 MR. DENNIS: Objection.

10 I think the prosecution is taking advantage of me.
11 They knew they were going to show this after Cally left the
12 witness stand and that you would deny me bringing her back
13 again. This is testimony that they set me up on.

14 THE COURT: I'm sorry that you feel that way, but this
15 was an exhibit that was entered in evidence before Ms. Bostick
16 took the stand, and so each side was free to question her or
17 not question her about this particular exhibit. And you chose
18 not to, and they chose not to.

19 MR. DENNIS: I would have asked her more about the
20 police incidents at my home if I had known that she was going
21 to be testifying as to this. The police coming to my home, I
22 would have raised that.

23 (Continued on next page)
24
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Cobb - Direct

1 THE COURT: We had numerous sidebars about that, and I
2 even suggested to you that if you wanted to question her about
3 it, you ask for a sidebar on that, and you, in the end, chose
4 not to.

5 The objection is overruled. Please continue.

6 Q. Agent Cobb, can you please pick up reading where you left
7 off?

8 A. Yes. "What did you say to me by the elevator bank?
9 Willie, are you OK? Like your racist ass really gave a shit.
10 The answer, no, John, I am not" --

11 MR. DENNIS: Objection. I'd like to object to the
12 qualifications of this gentleman as to whether or not he's
13 actually qualified to read these emails and whether he's
14 actually qualified to --

15 Can you go through your qualifications and give a
16 basis on how --

17 THE COURT: No. You're not in a position to direct
18 him.

19 MR. DENNIS: Would you, your Honor, please direct him?

20 THE COURT: I have a feeling that Mr. Dennis may not
21 understand the procedure that's going on right now, so let me
22 explain it to you, ladies and gentlemen.

23 This is, as I understand, the government's last
24 witness, and the final witness in many, many, many, many, many,
25 many, many, many, many, many, many, many cases, is what's

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Cobb - Direct

1 called a summary witness who kind of says, ladies and
2 gentlemen, I want to bring to your attention some things that
3 have been entered into evidence previously that you may
4 consider before you start your deliberations. And the defense
5 can say, well, you pointed out this, this, and this, but you
6 didn't point out this, this, and this, and they can have
7 cross-examination. So this is a standard procedure, and it's
8 what's called a summary witness.

9 Now, I have a feeling that Mr. Dennis may not have
10 fully recognized that normal procedure, so what I'll do, Mr.
11 Dennis, is this. Even though I was hoping to finish the
12 government's case today, I will allow this witness to finish
13 his direct, and then we will break for today and you can have
14 your cross-examination of this witness on Monday morning and
15 can prepare as much as you want to question him about. But we
16 need to finish at least his direct testimony.

17 MR. DENNIS: Thank you, your Honor.

18 THE COURT: Go ahead.

19 BY MS. SIMON:

20 Q. Agent Cobb, if you could pick up reading where you left
21 off.

22 A. Yes. "No, John, I am not fucking OK. You are killing us
23 and trying to tell us it is all in our minds. Got that punk
24 ass?"

25 MS. SIMON: Turning your attention to Government

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Cobb - Direct

1 Exhibit 103-9, specifically to the fifth page, can you zoom in
2 on those messages. Thank you.

3 Q. Agent Cobb, can you read the name in the "from" line?

4 A. Willie Dennis.

5 Q. Can you please read the name in the "to" line?

6 A. Cally.

7 Q. And are the names in the "from" and "to" line in this
8 exhibit the same, all the same as you just read?

9 A. Yes.

10 Q. Starting with the first message, can you please read the
11 time stamp in the bottom right-hand corner and then read the
12 body of the message?

13 A. Yes. August 29, 2020, 9:59:27 p.m. UTC plus zero. "I know
14 you like married men, but in the office."

15 MR. DENNIS: Yes, this is totally prejudicial. I'm
16 not going to get a chance to call -- to cross-examine the
17 actual witnesses that he's speaking for.

18 THE COURT: Mr. Dennis, please come to the sidebar.

19 (Continued on next page)
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Cobb - Direct

1 (At sidebar)

2 THE COURT: I tried to explain a few minutes ago, but
3 I'll explain it again, all these exhibits were in evidence long
4 before any substantive witness testified. They came in very
5 early in the trial and, as was pointed out at the time, they
6 were what the government was presenting as the text messages
7 and emails supporting its case. Now, when we came to
8 substantive witnesses, the government, as it made repeatedly
9 clear, just picked out a few of those and said "did you receive
10 this from Mr. Dennis? Yes. Did you receive other, similar
11 messages from Mr. Dennis? Yes," and chose not to go into the
12 others.

13 Then you chose not to go into the others, and indeed,
14 you very largely didn't even go into the ones that the
15 government did present. And I can understand that, because
16 your defense really, as I understand it, is more about what was
17 in your head at the time and other events going on that may
18 have affected your state of intent. But in any event, you
19 didn't question about any of this or virtually any of this, and
20 now, the government, as is its right, has a right to point out
21 through a classic summary witness some of the evidence in
22 question. The statute, particularly as it's been interpreted
23 by several courts is, in part, about course of conduct. So
24 they need to make clear to the jury why they think you were
25 engaged in a particular course of conduct.

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Cobb - Direct

1 Now, you're not being prejudiced. This is standard
2 fashion. I understand and I've tried to accommodate the fact
3 that you're not a trial lawyer. That's why I'm going to give
4 you until Monday to cross-examine this witness, but all the
5 witness is doing is reading something that's in evidence. And
6 I don't know what you mean about qualifications. Are you
7 suggesting he doesn't know how to read? That would be an
8 extraordinary suggestion.

9 So the objection is overruled.

10 MR. DENNIS: I was not suggesting, your Honor, that he
11 did not know how to read. What I'm -- as you mentioned, I am
12 representing myself *pro se*. I did not know -- and you're
13 absolutely right; this is a risk that I took. I did not know
14 that at the end of the trial, after witnesses testified, that
15 there would be a summation, which would include some of the
16 nastiest and vilest things that have not been proven, and these
17 witnesses, I'm not allowed to cross-examine any of these
18 witnesses about any of these statements and provide a context
19 to them.

20 THE COURT: Actually, some of these were the subject
21 of testimony, so it's not even totally correct that they
22 weren't the subject of testimony. Some may not have been.
23 Indeed, the government, even if there was no summary witness,
24 the government on summation could read any document in
25 evidence, regardless of whether a witness had testified about

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Cobb - Direct

1 it or not.

2 I've tried my best to accommodate the fact that you're
3 not a trial lawyer, but the rules are the rules, and they're
4 allowed to do this.

5 MR. DENNIS: I would just add to the record, then, in
6 the event that I'm convicted, that I do believe that the
7 glaring thing that I was not able to pursue, given the fact
8 that you had all these witnesses who discussed how fearful they
9 were of me and they discussed various tactics, but I wasn't
10 able to fully pursue with any of them the fact that they had
11 sent police to my home.

12 THE COURT: If this is of any help to you, one of the
13 things that you're allowed to do on your summation is if
14 there's any email or text message that he's reading now that
15 was not the subject of examination by the relevant witness when
16 the substantive witness was on the stand, you can point that
17 out to the jury. And you can say, ladies and gentlemen, look,
18 if this was such an important email, how come the government
19 didn't question so-and-so about it?

20 So that is a fair argument. In fact, as I say, my
21 recollection is that some of these were questioned about, but
22 to the extent that there are ones that weren't questioned
23 about, you can make that kind of argument. That would be a
24 standard argument in this situation.

25 MR. DENNIS: OK. Can I just ask -- can I get a copy

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Cobb - Direct

1 of each one of these that you're --

2 MS. SIMON: Every exhibit that has been marked by the
3 government is in the binders sitting at your table.

4 THE COURT: Why don't we do this. You wanted some
5 time at the end of today anyway, right, to go through it?

6 MR. DENNIS: Uh-huh.

7 THE COURT: Would you like me to end his examination
8 now and pick it up again on Monday, or do you want to hear his
9 whole direct before we end for the day?

10 MR. DENNIS: Maybe we just finish and hear his direct.
11 Let's just give it to me.

12 THE COURT: I'm giving you a choice, and it's your
13 choice.

14 MS. SIMON: The government's prepared to go forward,
15 whatever the Court prefers.

16 THE COURT: OK. So why don't we do this.
17 This is, as you would say, Mr. Dennis, a yes-or-no
18 question. Do you want to postpone the rest of his testimony
19 until Monday?

20 MR. DENNIS: No.

21 THE COURT: No. OK.

22 MR. DENNIS: No.

23 THE COURT: OK. Let's finish the direct.

24 (Continued on next page)

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1 (In open court)

2 BY MS. SIMON:

3 Q. Agent Cobb, when we left off, you were reading messages
4 from Government Exhibit 103-9. Can you please remind the jury
5 who is in the "from" field of these messages?

6 A. Willie Dennis.

7 Q. And who is in the "to" field?

8 A. Cally.

9 Q. Can you please pick up at the beginning, reading both --
10 the beginning of this selection of messages here on page 5,
11 starting with the time stamp in the bottom right-hand corner
12 and then reading the body of the message?

13 A. Yes. August 29, 2020, 9:59:27 p.m. UTC plus zero. "I know
14 you like married men, but in the office."

15 August 29, 2020, 10:07 p.m. UTC plus zero. "Is your Tinder
16 account still active?"

17 August 29, 10:01:47 p.m. UTC plus zero. "How many hookups
18 did you get on Tinder?"

19 August 29, 2020, 10:02:23 p.m. UTC plus zero. "Does John
20 know about your Tinder account?"

21 Q. Agent Cobb, what is Tinder?

22 A. Tinder is an online dating application.

23 MS. SIMON: Turning your attention to Government
24 Exhibit 103-10, can you please enlarge the first two messages.

25 Q. Agent Cobb, who is in the "from" field of these two

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1 messages?

2 A. Willie Dennis.

3 Q. And who is in the "to" field of these two messages?

4 A. Cally.

5 Q. Can you please read them, starting with the time stamp in
6 the bottom right-hand corner, and then the body of the message?

7 A. Yes. August 30, 2020, 1:41:28 a.m. UTC plus zero. "Is
8 John Bicks coming over tonight to comfort you?"

9 August 30, 2020, 2:20:50 a.m. UTC plus zero. "Well, just
10 in case he cannot make it over, this may help."

11 MR. DENNIS: Objection. In reading these emails,
12 standalone, I don't know -- I don't think that what is coming
13 across is that the jury -- that I believe John Bicks and Cally
14 Bostick were working together, and this is -- this is,
15 essentially, I think they were working together to help convict
16 me. And that's what this -- it was always an undertone. It
17 wasn't that they were physically -- are you able to --
18 objection. I don't know what that objection is, but that's --

19 THE COURT: Well --

20 MR. DENNIS: That was really --

21 THE COURT: -- first of all, that's not a legal basis
22 for an objection. Second of all, your beliefs are neither here
23 nor there except to the extent that they are reasonable
24 inferences from the evidence. And third, the time when you get
25 to present what you believe are the inferences to be drawn from

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1 the evidence is on your summation, which will come on Monday.

2 The objection is overruled.

3 BY MS. SIMON:

4 Q. I'm sorry. Agent Cobb, had you read both of these messages
5 that are on the screen? I'm sorry. I lost my place.

6 A. Yes, I did.

7 MS. SIMON: Turning your attention to Government
8 Exhibit 103-11, and to the second page, and can you zoom in on
9 the first message.

10 Q. Agent Cobb, can you please read the name in the "from"
11 field?

12 A. Willie Dennis.

13 Q. Can you please read the name in the "to" field?

14 A. Cally.

15 Q. Are the names in the "from" and "to" field the same in
16 every message in this exhibit?

17 A. Yes.

18 Q. Going to the last message on page 1, can you please read it
19 aloud, including the time stamp?

20 A. Yes. August 31, 2020, 1:05:21 p.m. UTC plus zero. "Speak,
21 gutter rat."

22 MS. SIMON: Turning to page 2, can you please enlarge
23 the bottom two messages.

24 Q. Can you please read both of those messages aloud, starting
25 with the time stamp in the bottom right-hand corner, and then

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Cobb - Direct

1 the body of the message?

2 A. August 31, 2020, 1:07:29 p.m. UTC plus zero. "Speak as to
3 reasonableness now or I will begin to add others to our
4 conversation. Sick of your crap."

5 August 31, 2020, 1:09:59 p.m. UTC plus zero. "Did you take
6 down your Tinder (let's do a quickie) account?"

7 MR. DENNIS: Objection, objection, objection.

8 THE COURT: Overruled.

9 BY MS. SIMON:

10 Q. Agent Cobb, just to be clear, who was in the sender field
11 of all the messages you just read aloud?

12 A. Willie Dennis.

13 Q. Turning your attention to Government Exhibit 103-12,
14 zooming in on the first message, agent Cobb, can you please
15 read the name in the "from" line?

16 A. Willie Dennis.

17 Q. Can you please read the name in the "to" line?

18 A. Cally.

19 Q. Are all the messages in this exhibit from the same name and
20 to the same name that you just read aloud?

21 A. Yes.

22 Q. Can you please read the messages aloud on page 1, starting
23 with the second message --

24 A. Yes.

25 Q. -- reading the time stamp in the bottom right-hand corner,

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1 and then the body of the message?

2 A. I'm sorry. Do you want me to read all of them, or just --

3 Q. No, no. Just the bottom two.

4 A. OK. August 31, 2020, 2:36:46 p.m. UTC plus zero. "Speak,
5 gutter rat."

6 August 31, 2020, 2:38:17 p.m. UTC plus zero. "And no
7 Tinder booty calls for you this week. You are on lockdown."

8 Q. Turning your attention to page 2, can you please read the
9 bottom three messages, starting with the time stamp in the
10 bottom right corner, and then the body of the message?

11 A. August 31, 2020, 2:39:32 p.m. UTC plus zero. "How many
12 dudes did you find on Tinder?"

13 August 31, 2020, 2:40:09 p.m. UTC plus zero. "What was the
14 quality of the D?"

15 August 31, 2020, 2:41:58 p.m. UTC plus zero --

16 MR. DENNIS: Objection. I tried to end my examination
17 with a little bit of dignity, and once she said she didn't know
18 my kids, I just said forget it. We're not -- this is just
19 smearing her, and it's not necessary.

20 THE COURT: Overruled.

21 BY MS. SIMON:

22 Q. I'm sorry. Agent Cobb, can you please pick up where you
23 left off?

24 A. Yes. August 31, 2020, 2:41:58 p.m. UTC plus zero. "I
25 always knew this was more your type of conversation."

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1 Q. And turning to page 3.

2 A. August 31, 2020, 2:42:10 p.m. UTC plus zero. "Always the
3 quiet ones."

4 Q. Agent Cobb, who was in the "from" field of every message
5 you just read in Government Exhibit 103-12?

6 A. Willie Dennis.

7 Q. And who was in the "to" field of every message you just
8 read in Government Exhibit 103-12?

9 A. Cally.

10 MS. SIMON: Turning to Government Exhibit 103-33,
11 turning to page 2, could you please zoom in on the first
12 message.

13 Q. Agent Cobb, who is in the "from" field of this message?

14 A. Willie Dennis.

15 Q. Who is in the "to" field of this message?

16 A. Cally.

17 Q. Are the "from" field and "to" field of all of the messages
18 in this exhibit the same as those you just read aloud?

19 A. Yes.

20 Q. Can you please start reading the messages on this page,
21 starting with this message, making sure to read the time stamp
22 in the bottom right-hand corner, and then the body of the
23 message?

24 A. Yes.

25 October 9, 2020, 2:15:37 a.m. UTC plus zero. "You feel

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1 like an idiot, don't you?"

2 October 9, 2020, 6:51:54 a.m. UTC plus zero. "Or maybe
3 Jeff is with you. D patrol, LOL."

4 MR. DENNIS: She was in Chicago.

5 Q. October 9, 2020, 6:52:19 a.m. UTC plus zero. "Yes?"

6 October 9, 2020, 6:53:13 a.m. UTC plus zero. "John, David
7 Tang, Jeff. Who else? LOL."

8 Q. Turning to page 3 of the same exhibit, can you please read
9 the first three messages aloud, again starting with the time
10 stamp in the bottom right-hand corner, and then the body of the
11 message?

12 A. Yes.

13 October 9, 2020, 6:53:29 a.m. UTC plus zero. "Service."

14 October 9, 2020, 6:54:22 a.m. UTC plus zero. "BTW, are you
15 still on Tinder?"

16 October 9, 2020, 6:54:31 a.m. UTC plus zero. "I mean
17 Tinder."

18 Q. Agent --

19 MS. SIMON: Can you please leave that message up for a
20 moment.

21 THE COURT: Counsel, keep in mind we only have about
22 two more minutes.

23 BY MS. SIMON:

24 Q. Agent Cobb, approximately what time in Eastern Time is 6:54
25 a.m. UTC plus zero?

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Cobb - Direct

1 A. I'm sorry. Can you repeat the question?

2 Q. Yes. What -- in Eastern Time, how does 6:54 a.m. UTC plus
3 zero translate?

4 A. I believe it to be 2:54:31 a.m.

5 Q. Turning to Government Exhibit 103-39, zooming in on the
6 first message, who is in the "from" field?

7 A. Willie Dennis.

8 Q. Who is in the "to" field?

9 A. Cally.

10 Q. Can you please read this message aloud?

11 A. October 10, 2020, 7:10:43 p.m. UTC plus zero. "Hey, stupid
12 slanderer. Speak."

13 Q. Agent Cobb, do all the other messages in this exhibit have
14 the same "from" field and "to" field as this message?

15 A. Yes.

16 Q. Turning to page 2, can you read the substance of all the
17 messages? No need to read the time stamps.

18 A. "You are so smart, it girl. Speak, you idiot. Slanderer,
19 speak. You can speak publicly against me. Speak, clown. Let
20 us see your brilliance, it girl."

21 Q. Turning to page 3.

22 A. "Do you see how someone feels when you try to get them
23 incarcerated, rat? Are you hungry, rat? Are you hungry?
24 Bring this one to deposition and court. Liar, speak."

25 Q. And on to the next page.

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1 A. "Is John around? Is your mouth wide open? Don't go
2 anywhere. I will be back. I am sure the conversation
3 regarding national security issues our firm faces right now
4 bores you. Getting ready for D patrol. BTW, how long have you
5 been on Tinder?"

6 Q. Turning to Government Exhibit --

7 THE COURT: I think, counsel, unfortunately, we'll
8 have to finish this witness first thing Monday because my
9 policy with juries is to never keep them beyond 4:30, and
10 particularly on a Friday afternoon.

11 We have had a full day, but as you can see, ladies and
12 gentlemen, we are on schedule. This is the last government
13 witness. After the government completes its case, the defense
14 has a choice. They don't have to present any case. They can
15 present a case if they wish, but the reason they don't have to
16 present any case is because the burden is always on the
17 government to prove its case beyond a reasonable doubt, as
18 you've heard me say so many times.

19 So the defendant will consider all that over the
20 weekend, and after the close of all the evidence, we'll have
21 the final arguments from counsel, then my instructions of law,
22 and then the case will be yours to decide.

23 I don't think you should spend any time thinking about
24 this case over the weekend. My definite suggestion is that you
25 have a great weekend and forget about the case. And we'll see

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1 you all at 9:30 on Monday morning.

2 (Continued on next page)

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(Jury not present)

THE COURT: You can step down. We'll see you on Monday morning.

THE WITNESS: Thank you, your Honor.

(Witness not present)

THE COURT: Please be seated.

Just very quickly, because I need to meet my wife in midtown, and that takes precedence over anything else, but I think at least one representative of the government should stay here with Mr. Dennis in case he needs help finding anything. He can stay until 6:00, and so we'll have someone to be with him to be of help to him if he needs it.

MR. DENNIS: Thank you, your Honor.

THE COURT: I think we ought to get together at 9 o'clock on Monday, because that will give me a chance to hear from Mr. Dennis's witnesses if they are available.

Mr. Dennis, tell your witnesses to be here at 9 o'clock rather than 9:30.

MR. DENNIS: Thank you, your Honor.

THE COURT: Very good. Thanks a lot.

(Adjourned to October 17, 2022, at 9 o'clock a.m.)

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